Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0 0 9 7 - 1 8

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

Fold Here First

DPA Use Only

Fold Here Second

OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18
Incident Report or Citation No.		
[redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability

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INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the DPA at (415) 241-7711, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0 0 9 7 - 1 8

Last Name	First Name	Middle Name
DPA		

	Street	Apt.
Home Address:		

City	State	Zip Code

	Street	Suite
Work Address:		

City	State	Zip Code

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

Fold Here First

DPA Use Only

Fold Here Second

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Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0 0 9 7 - 1 8
Incident Report or Citation No.		
Incident Report [redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Colby Smets #253	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Sean O'Rourke #2214	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Corbyn Carrol #987	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Joshua Tupper #4115	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	John Ishida #2035	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Stephen Cassinelli #1104	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Ari Smith-Russack #4132	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Nicholas Nagai #2017	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Juan Gustillo #1469	3D	[redacted]	M	5

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Loren Chiu #1306	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X			ID PENDING	3D			

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X			ID PENDING	3D			

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Corbyn Carrol #987	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Stephen Cassinelli #1104	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Loren Chiu #1306	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Loren Chiu #1306	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Juan Gustillo #1469	3D	[redacted]	M	5

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	John Ishida #2035	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Nicholas Nagai #2017	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Sean O'Rourke #2214	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Colby Smets #253	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Ari Smith-Russack #4132	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

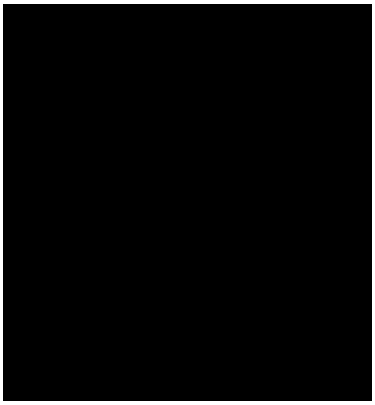
Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Joshua Tupper #4115	3D	[redacted]	M	1

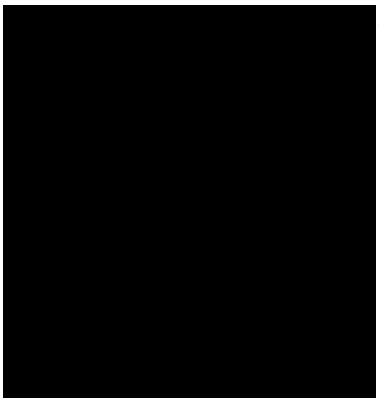
ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

TABLE OF OFFICERS



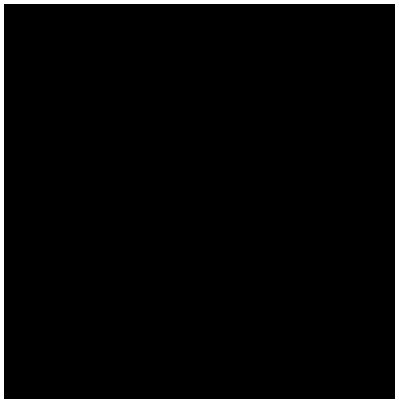
Q2 Officer Stephen Cassinelli #1104
Hire Date: [redacted]
Current Assignment: Mission Station
Unit on incident date: 3D13E [Officer Joshua Tupper #4115]
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



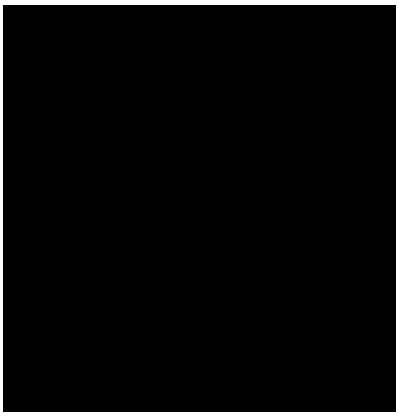
Q2 Officer Corbyn Carroll #987
Hire Date: [redacted]
Current Assignment: CED
Unit on incident date: 3D14D [Officer Ari Smith-Russack #4132]
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



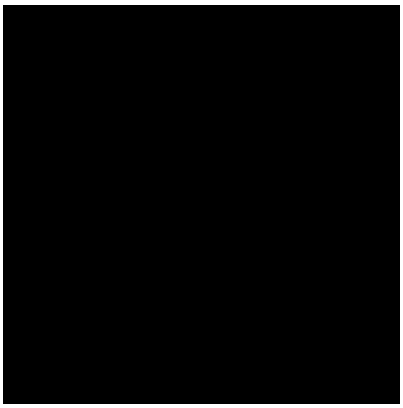
Q3 Officer Loren Chiu #1306
Hire Date: [redacted]
Current Assignment: Mission Station
Unit on incident date: 3D15D [Officer Juan Gustilo #1469]
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



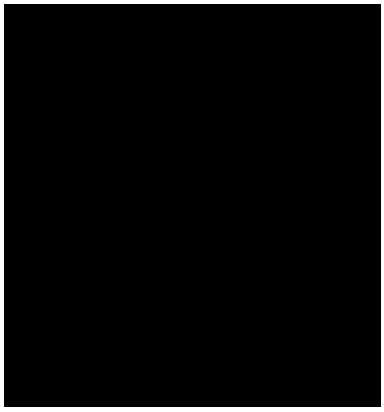
Q2 Officer Juan Gustilo #1469
Hire Date: [redacted]
Current Assignment: Southern Station
Unit on incident date: 3D15D [Officer Loren Chiu #1306]
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



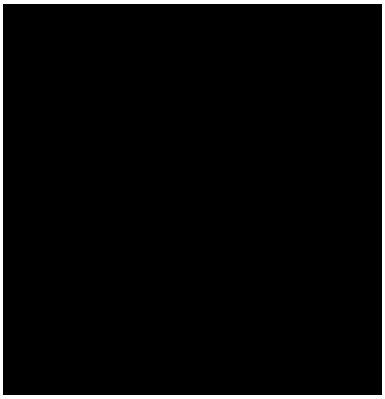
Q2 Officer John Ishida #2035
Hire Date: [redacted]
Current Assignment: Mission Station
Unit on incident date: 3D91
Lethal:
FTO on date of incident
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



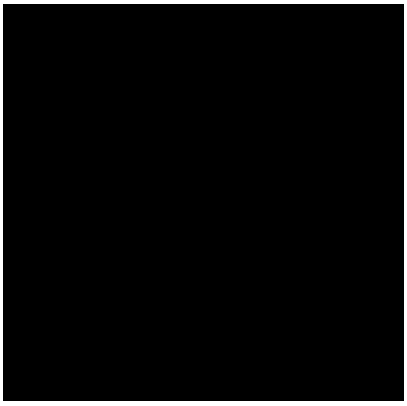
Q3 Officer Nicholas Nagai #2017
Hire Date: [redacted]
Current Assignment: Mission Station
Unit on incident date: 3D41D
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



Q2 Officer Sean O'Rourke #2214
Hire Date: [redacted]
Current Assignment: Mission Station
Unit on incident date: 3D14E
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



Q2 Officer Colby Smets #253
Hire Date: [redacted]
Current Assignment: Tenderloin Station
Unit on incident date: 3D13D
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



Q2 Officer Ari Smith-Russack #4132
Hire Date: [redacted]
Current Assignment: Mission Station
Unit on incident date: 3D14D [Officer Corbyn Carroll #987]
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.



Q2 Officer Joshua Tupper #4115
Hire Date: [redacted]
Current Assignment: Mission Station
Unit on incident date: 3D13E [Officer Stephen Cassinelli #1104]
Lethal:
§3304 date tolled on ___ due to _____
Unnecessary Force – The officer used unnecessary force.

INVENTORY OF TOWED VEHICLE SFPD

GARAGE COPY

LIC. NO.	STATE	VIN	YR	MAKE	MO.	DAY	YEAR	TIME
	☐ CA	[redacted]		HONDA	03	09	10	

MODEL	BODY TYPE	COLOR	REASON FOR TOW	CITATION NO.
CIVIC	ZDR	BLK	GTS	[redacted]

[redacted]	COMPLAINANT NAME	DATE MARKED - 37A (MO. / DAY / YEAR)	ODOMETER READING
			A0019

TOWED FROM (STREET)	TOWED TO (NAME AND ADDRESS)	TOW NO.	TOW OPERATOR	TK. LIC. NO.
640 CHIPS	CSI LOT		M'ON'I	

VISIBLE PROPERTY INVENTORY, INCLUDING CONTENTS OF CONTAINERS

CELLPHONE, WALLET ETC & MISC. CLOTHING

OFFICER (PRINT)	STAR	CO.
GREEN	32	G

☒ ARREST MADE

HOLD FOR: CSI

☐ OTHER PTS MISSING

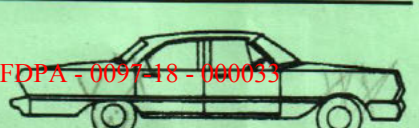
A0019

VEHICLE	KEY IN VEH	GLOVE COMPART	TRUNK	VEHICLES	MISSING
☐ LKD ☒ UNLKD	☐ YES ☐ NO	☐ LKD ☐ UNLKD	☐ LKD ☒ UNLKD	☐ ST LKD ☐ TRANS LKD	☐ FRONT LIC. ☒ REAR LIC.

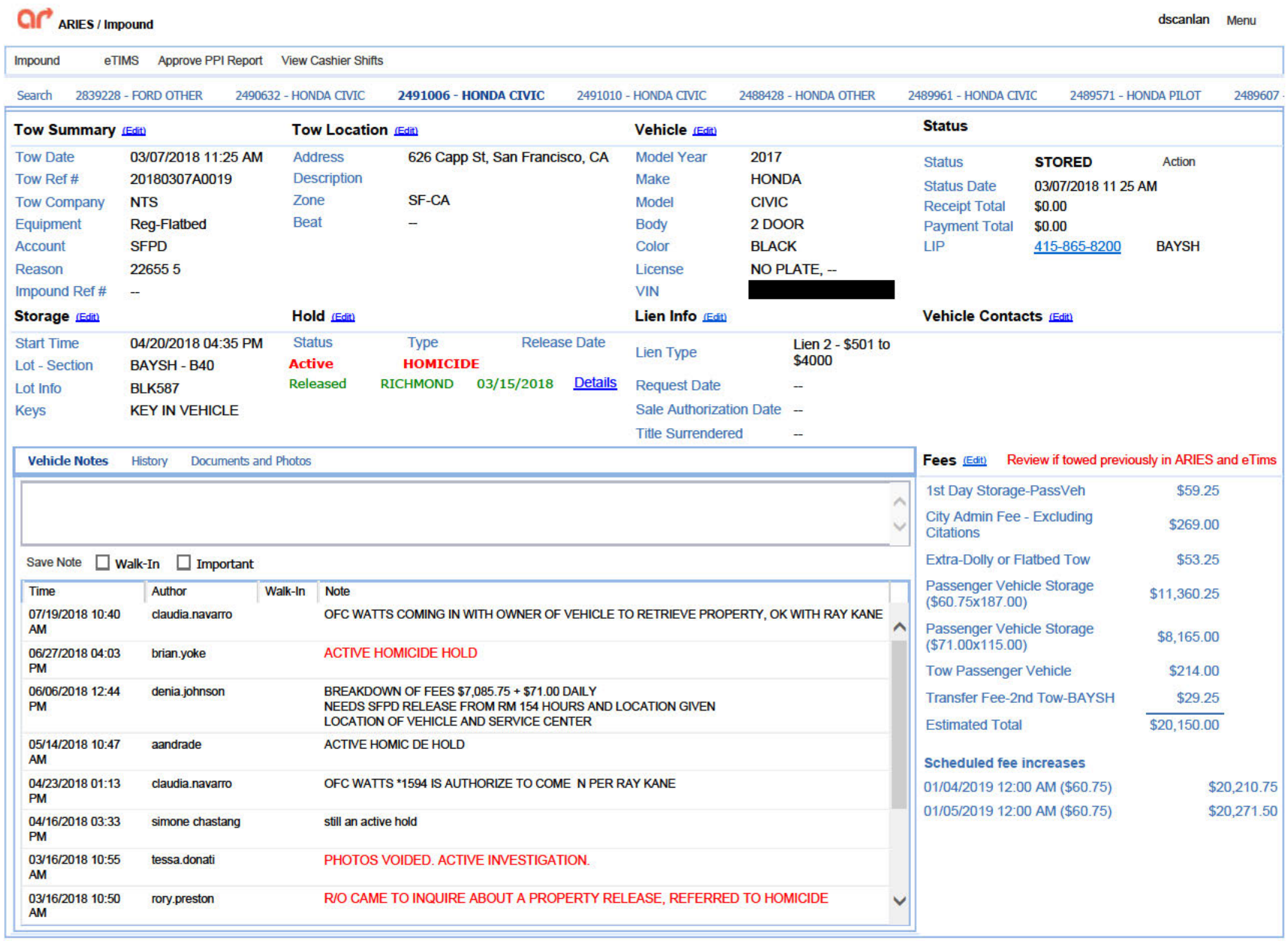

FRONT


LEFT


REAR


RIGHT

SFDPA - 0097-18 - 000033



ARIES / Impound

dscanlan Menu

Impound eTIMS Approve PPI Report View Cashier Shifts

Search 2839228 - FORD OTHER 2490632 - HONDA CIVIC **2491006 - HONDA CIVIC** 2491010 - HONDA CIVIC 2488428 - HONDA OTHER 2489961 - HONDA CIVIC 2489571 - HONDA PILOT 2489607

Tow Summary (Edit)

Tow Date	03/07/2018 11:25 AM
Tow Ref #	20180307A0019
Tow Company	NTS
Equipment	Reg-Flatbed
Account	SFPD
Reason	22655 5
Impound Ref #	--

Tow Location (Edit)

Address	626 Capp St, San Francisco, CA
Description	
Zone	SF-CA
Beat	--

Vehicle (Edit)

Model Year	2017
Make	HONDA
Model	CIVIC
Body	2 DOOR
Color	BLACK
License	NO PLATE, --
VIN	[redacted]

Status

Status	**STORED**	Action
Status Date	03/07/2018 11 25 AM	
Receipt Total	$0.00	
Payment Total	$0.00	
LIP	415-865-8200	BAYSH

Storage (Edit)

Start Time	04/20/2018 04:35 PM
Lot - Section	BAYSH - B40
Lot Info	BLK587
Keys	KEY IN VEHICLE

Hold (Edit)

Status	Type	Release Date	
Active	HOMICIDE		
Released	RICHMOND	03/15/2018	Details

Lien Info (Edit)

Lien Type	Lien 2 - $501 to $4000
Request Date	--
Sale Authorization Date	--
Title Surrendered	--

Vehicle Contacts (Edit)

Vehicle Notes History Documents and Photos

Save Note ☐ Walk-In ☐ Important

Time	Author	Walk-In	Note
07/19/2018 10:40 AM	claudia.navarro		OFC WATTS COMING IN WITH OWNER OF VEHICLE TO RETRIEVE PROPERTY, OK WITH RAY KANE
06/27/2018 04:03 PM	brian.yoke		ACTIVE HOMICIDE HOLD
06/06/2018 12:44 PM	denia.johnson		BREAKDOWN OF FEES $7,085.75 + $71.00 DAILY NEEDS SFPD RELEASE FROM RM 154 HOURS AND LOCATION GIVEN LOCATION OF VEHICLE AND SERVICE CENTER
05/14/2018 10:47 AM	aandrade		ACTIVE HOMIC DE HOLD
04/23/2018 01:13 PM	claudia.navarro		OFC WATTS *1594 IS AUTHORIZE TO COME N PER RAY KANE
04/16/2018 03:33 PM	simone chastang		still an active hold
03/16/2018 10:55 AM	tessa.donati		PHOTOS VOIDED. ACTIVE INVESTIGATION.
03/16/2018 10:50 AM	rory.preston		R/O CAME TO INQUIRE ABOUT A PROPERTY RELEASE, REFERRED TO HOMICIDE

Fees (Edit) Review if towed previously in ARIES and eTims

1st Day Storage-PassVeh	$59.25
City Admin Fee - Excluding Citations	$269.00
Extra-Dolly or Flatbed Tow	$53.25
Passenger Vehicle Storage ($60.75x187.00)	$11,360.25
Passenger Vehicle Storage ($71.00x115.00)	$8,165.00
Tow Passenger Vehicle	$214.00
Transfer Fee-2nd Tow-BAYSH	$29.25
Estimated Total	$20,150.00

Scheduled fee increases

01/04/2019 12:00 AM ($60.75)	$20,210.75
01/05/2019 12:00 AM ($60.75)	$20,271.50

SFDPA - 0097-18 - 000034

Final-OIS_[redacted]__Lt__Banta__2251__No_Redactions.mp4 – *Total Runtime 1:48:29*
[Lieutenant Ronald Banta #2251 body worn camera]

The clip begins with Lt. Banta arriving on the scene and attempting to gather information. He walks to a gathering of officers [those who were more than likely involved with the shooting] and asks "who shot". **(6:52:49)** Several officers raise their hands. Lt. Banta tells the officers who raised their hand, "not to talk to anyone about the case except for this guy [points to an officer] who you're going to give public safety information to." Lt. Banta follows this up by telling the officers, "not to talk to each other about the incident." He asks, "Are all our body cameras on?" and after officers verbally confirm that they're on, he says, "Leave them on. Do not touch them. Do not mute them. Do not do anything." **(6:53:13)** Lt.Banta tells the officers to turn off their cellphones. He says, "I want you to get your cellphones out. I want you to turn them off. I do not want you to notify anybody, we [assumedly the SFPD] will notify family members to make sure everything is okay. **(6:53:26)** Lt.Banta tells the officers, "We're all going to move back to Mission Station. When we get to the station I don't want you guys to clean up, change your clothes, or do anything." **(6:53:57)**He tells the officers they will be moving back to Mission Station and should not clean up or do anything to their clothing. He requests that anyone with physical evidence (blood from the victim) to have a photograph taken before they move. He gives follow up orders for officers who were involved to get into vehicles and head to a station. An officer tells Lt. Banta that he "tagged him" and Lt. Banta asks for him to stop talking because he "doesn't want to know". **(6:56:24)**

Lt. Banta begins to make orders to officers to setup a perimeter around the crime scene. Lt. Banta talks to multiple sergeants and delineates different duties to these sergeants. He instructs everyone to move away from the cars towards the north to make sure the casings aren't touched. **(7:02:59)** Lt. Banta continues to give out orders for different officers to secure the crime scene and ensure polices are being followed. He mutes his camera for operations discussion. **(7:07:48)** The camera is unmuted at **7:10:43.** Officer Perez hits a casing while listening to Lt. Banta and Lt. Banta notices his camera isn't on. He taps his own camera to indicate this, and Officer Perez turns his camera on. **(7:12:00)** Lt. Banta mutes his mic again to discuss something with another officer. **(7:14:10)** He unmutes his mic at **7:15:46** to announce that his mic was muted, and he is muting it again to speak to his commanding officer. The mic is unmuted again at **7:17:30** as he begins talking to a group of officers. The mic is again muted at **7:18:42** while Lt. Banta talks to officers inside the crime scene. His mic is unmuted at **7:24:26.** He joins a group of officers discussing what needs to be done. Lt. Banta is told to have officers cover up the body, and the officers comply. **(7:26:17)** Lt. Banta continues to walk around the scene and requests that the ambulance moves out of the crime scene.

He is made aware that a recruit on the scene was struck in the eye by an unknown object, and goes to check on the recruit. **(7:31:38)** The recruit has an injury to his eye, and Lt. Banta says, "you're a wounded officer we're going to get some qualified medical people to take

care of that, and we're going to document it." **(7:33:10)** Lt. Banta request that he, "talk to the doctor, find out his diagnosis, treatment, and work status." **(7:33:42)** He continues to describe how he wants the officer to document the incident while getting treatment.

He walks back towards the scene and provides more orders to officers on scene regarding taking information down for each of the officers. He mutes his camera mic after an officer asks him what happened on the scene. **(7:41:04)** His microphone stays muted for the rest of the time. While on the scene has several conversations with different officers, and is involved in multiple huddles. The clip ends with Lt. Banta walking to the perimeter at 21st and Mission.

Final-[redacted]_OIS-Ofc__Banegas__Milen__963-CLETS_Redactions.mp4 – *Total Runtime 3:03:11* [Officer Milen Banegas #963 body worn camera]

The clip starts with Officer Banegas talking with another officer before she is called away to assist with Spanish translation at the scene. She jogs over to the scene and gets on the PA to begin translation. **(6:40:16)** Officer Stephen Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officers shout at the suspect in the trunk to stop reaching. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. An officer shouts and gunfire breaks out. **(6:41:41)**

She continues to talk to the woman in the car as the police group up to move towards the car. After the group finishes removing the suspects from the vehicle, Officer Banegas calls out to another officer to help her get a crime scene log setup. **(6:46:15)** She goes in search of Officer Bayardo Roman and the two victims of the robbery.

She begins to perform an interview of one of the victims in Spanish. **(6:51:30)** While conducting her interview, she receives a phone call and explains the shooting over the phone. **(6:57:05)** The call ends, and Banegas continues with her interview. She makes another phone call after conducting her interview and relays more information over the phone concerning the information of the victims.

Banegas waits on scene with the victims until they are transported away to be questioned. She continues waiting on scene having small conversations with other officers, while standing by. The clip ends when Officer Banegas walks to go to the restroom.

FINAL_[redacted]_OIS_Prisoner_Transport_Ofc__Bernal__2060_NO_REDACTION – *Total Runtime 5:58* [Officer Gerald Bernal #2060 body worn camera]

The clip starts with Officer Bernal in a room with the female suspect who was arrested. Officer Bernal escorts the woman out of the room with Officer Nicole Hicks. The trio exit the room into a hallway where the male driver from the car is, along with two other officers. Officer Bernal and his trio exit the building [850 Bryant] in a separate direction than the male suspect. The two groups meet each other outside of the building and walk a short distance to another facility. Once the group reaches the facility [possibly a holding area], Officer Bernal turns his camera off and the clip ends.

FINAL_-_[redacted]_OIS_Prisoner_Transport__Dennis_Buckner__141_-_Redacted – *Total Run Time 22:07* [Officer Dennis Buckner #141 body worn camera]

The clip begins with Officer Buckner standing with the two robbery victims, Officer Milen Banegas and Officer Bayardo Roman. The group moves towards a police car, with Officer Milen Banegas translating for the victims. Officer Buckner confirms with another officer that the victims are to be kept separate, and then breaks the two apart. Officer Buckner leaves to go grab the cop car that will be transporting the victims. **(8:04:04)** He drives the car back to the scene and steps out next to one of the officers. Officer Buckner confirms that they don't need to pat search the victims. The victims are being escorted to be interviewed and then released. Officer Buckner and his partner enter the car along with a victim, and drive off. **(8:07:46)** They drive to the Hall of Justice and park the car. His partner exits the vehicle. **(8:19:53)** Officer Buckner waits in the vehicle with the victim. His partner returns to the vehicle and checks with dispatch to see where they should go. An inspector comes and lets the officers into the parking garage. The clip ends.

Final-[redacted]_OIS_PERIMETER__Ofc__Busalacchi__1430__No_Redactions – *Total Runtime 9:26* [Officer Frank Busalacchi #1430 body worn camera]

The clip starts with Officer Busalacchi standing on the sidewalk facing towards 22nd street. There are multiple officers in the area setting up crime scene tape and watching the perimeter. An officer comes by and notifies the officers nearby that they'll be moving the perimeter further up to the corner of Capp and 22nd. Officer Busalacchi is a part of allowing emergency vehicles in and out of the crime scene. The clip ends with him walking towards the scene of the shooting.

Final-AXON_Body_2_Video_2018-03-06_2258-Ofc__Butherus__Patrick__254-No_Redactions – *Total Runtime 6:43* [Officer Patrick Butherus #2258 body worn camera]

This clip begins with Officer Butherus huddled around a group of Officers who are listening to Lt. Ronald Banta. Officer Butherus walks away from the group and heads toward the scene of the shooting. An officer comes up to him and asks him how far back he wants to move the crime scene tape. Officer Butherus indicates that he wants to push the tape back up towards 21st street because there are more bullet casings toward that direction. **(7:00:00)**

Officer Butherus takes down the case number and initial time of the call. **(7:01:13 and 7:1:42 respectively)** Lt. Banta tells all police officers to, "Move northbound out of this area [referring to the scene around the shooting]. This is a crime scene." **(7:02:54)**

Officer Butherus remains on the scene and makes a phone call. While on the phone Officer Butherus talks to a Lieutenant. **(7:04:14)** He states that, "Lt. Banta wants me to handle the initial because everyone at mission was involved." He has a nearby officer turn off his camera for him and the clip ends.

Final-[redacted]_OIS_Prisoner_Transport__Ofc__Campbell__1149__CLETS_Redactions.mp4 – *Total Runtime 14:34* [Officer Orlaigh Campbell #1149 Body Worn Camera]

The clip begins with Officer Campbell standing at the back of an ambulance at the scene. She is waiting to transport one of the female suspect from the scene to Mission station. The suspect exits the ambulance. **(7:26:14)** The woman is escorted to a police car where she is searched by Officer Campbell before being placed into the backseat of the police car. Officer Campbell and is told by Lt. Ronald Banta that the suspect can't take her shirt off until it is photographed. **(7:28:48)** Officer Campbell and her partner leave the scene and head to Mission Station. **(7:30:39)** They arrive at the station and park. **(7:34:05)** The suspect is removed from the car by Officer Campbell and the clip ends as the suspect enters the station. **(7:35:48)**

Final-[redacted]_OIS_Prisoner_Transport__Ofc__Campbell__1149__CLETS_Redactions-file 2.mp4 -*Total Runtime 14:49* [Officer Orlaigh Campbell #1149 Body Worn Camera]

The clip starts with Officer Campbell escorting the female suspect out of Mission Station towards a parked police car with another officer. The suspect is place into the backseat of the car with handcuffs on. **(8:45:19)** Both officers enter the car. The female suspect is told that she's being taken to the Hall of Justice. The car exits the parking lot and the group begin heading to the Hall of Justice [850 Bryant Street].

Upon arrival, enters through a raised gate and parks in a parking garage. **(8:54:29)** Both officers exit the vehicle and pull the suspect from the backseat. **(8:56:24)** The trio walk through the halls of the Hall of Justice and the clip ends as the group enter a room.

Final-[redacted]_OIS-Ofc__Cassinelli__Stephen__1104-CLETS_Redactions – *Total Runtime 43:20* [Officer Stephen Cassinelli #1104 body worn camera]

The clip begins with Officer Cassinelli stepping out the driver's side of his vehicle and facing towards the suspect's car. He radios into dispatch and explains the he, "just got flagged down by a 909 [Police Code for a citizen who needs to be interviewed] about someone running away with a pistol. Suspect just hopped into the trunk. We got the people stopped. It's a black Honda civic no plates. Looks like two aboard. Safe avenue approach is going to be southbound." **(6:36:06)** Officer Cassinelli then begins to issue orders to the suspects in the car. He begins to conduct a felony stop, starting with getting the driver out of the car and handcuffed. Officers repeatedly ask for the man in the trunk to show both his hands. Officer Cassinelli can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach.

Officers begin to ask if anyone speaks Spanish to communicate with the man in the trunk. **(6:39:20)** Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish.

An officer gets over the PA [confirmed as Officer Milen Binegas] and begins to communicate formally in Spanish. Officer Cassinelli asks if there's someone in the backseat, and which is confirmed by another officer. He can be heard telling Officer Binegas to inform him that he will get shot if he doesn't. Officer Binegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Binegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Binegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)**

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. The female suspect is removed from the backseat of the suspect's car and escorted away. CPR is being performed on the victim with the gunshot wounds. **(6:47:13)**

Officer Cassinelli is pulled to the sidewalk of the street by another officer because he shot in the incident. **(6:50:12)** He then joins a group of other officers who were involved in the shooting. Sergeant Perez takes down the name/star number of officers involved in the shooting. **(6:50:30)** Lt. Ronald Banta walks up to the group, and asks "who shot". **(6:52:49)** Several officers raise their hands. Lt. Banta tells the officers who raised their hand, "not to talk

to anyone about the case except for this guy [points to Sergeant Perez] who you're going to give public safety information to." Lt. Banta follows this up by telling the officers, "not to talk to each other about the incident." He asks, "Are all our body cameras on?" and after officers verbally confirm that they're on, he says, "Leave them on. Do not touch them. Do not mute them. Do not do anything." **(6:53:13)** Lt.Banta tells the officers to turn off their cellphones. He says, "I want you to get your cellphones out. I want you to turn them off. I do not want you to notify anybody, we [assumedly the SFPD] will notify family members to make sure everything is okay. **(6:53:26)** Lt.Banta tells the officers, "We're all going to move back to Mission Station. When we get to the station I don't want you guys to clean up, change your clothes, or do anything." **(6:53:57)** He tells the officers they will be moving back to Mission Station and should not clean up or do anything to their clothing. He requests that anyone with physical evidence (blood from the victim) to have a photograph taken before they move. He gives follow up orders for officers who were involved to get into vehicles and head to a station. An officer tells Lt. Banta that he "tagged him" and Lt. Banta asks for him to stop talking because he "doesn't want to know". **(6:56:12)**

Officer Cassinelli waits on scene with other officers prior to being transported to Mission Station. He leaves the scene in a police squad car with three other officers. **(7:07:14)** They arrive at Mission Station and enter the building. **(7:11:21)** Officer Cassinelli stands in a hallway for the remainder of clip. The clip ends when he's told to go off.

Final-[redacted]_OIS-Ofc__Champlin__Ryan__145-CLETS_Redactions.mp4 – *Total Runtime 1:00:24* [Officer Ryan Champlin #145 body worn camera]

The clip starts with Officer Champlin arriving at the scene during the standoff police are having with the suspects in the vehicle. He is standing behind Officer Sanja Kajasa on the East side of Capp Street.

Officers begin to ask if anyone speaks Spanish to communicate with the man in the trunk. **(6:39:20)** Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Stephen Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish.

An officer gets over the PA [confirmed as Officer Milen Banegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officer Banegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Banegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)**

Officer Champlin runs to go grab shields from the back of a police vehicle with Officer Kajasa and Sergeant Leonard Caldera. **(6:44:03)** Officer Champlin puts on a vest with obstructs the view of the body camera. **(6:45:03)** The vest is removed at **6:45:59.** CPR is being performed on the suspect from the trunk. **(6:46:37)** Officer Champlin switches with another officer and begins performing CPR. **(6:47:40)** He is asked to stop CPR by the fire department, and they ask for a pulse. **(6:48:25)** The fire department makes the call that the suspect is dead. Officer Champlin remains close to the scene. He spends time looking for his partner [Officer Kajasa] around the scene. After finding her, they move towards the scene before stopping to talk to a civilian. They continue to do well-being checks around the block. He is photographed because he did CPR on the shot suspect. **(6:59:56)** Officer Champlin is told that he needs to go to Mission Station because he performed CPR, and waits on scene for a transport. He gets into a police car headed to Mission Station. **(7:31:09)** The car arrives at Mission station, and Officer Champlin walks into the station. **(7:34:37)** He turns his camera off after checking with a sergeant to make sure he was allowed to stop recording.

Final-[redacted]_OIS-Ofc__Chiu__Loren__1306-CLETS_Redactions - *Total Runtime 42:37*
[Officer Loren Chiu #1306 body worn camera]

The clip starts with Officer Chiu in the passenger seat of a police car. He and his partner walk up to the police standoff with the suspect's vehicle. They arrive just as Officer Stephen Cassinelli is beginning to conduct his felony stop on the driver of the vehicle. The jacket of Officer Chiu slightly obscures the body worn camera. Officer Chiu pulls out his gun and points it downward. He can be heard saying, "Is that [redacted] [the name of the driver]"**(6:37:32)** Officers handcuff the driver when he walks back a far enough distance from the car. **(6:38:24)** Officer Cassinelli can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach.

Officers begin to ask if anyone speaks Spanish to communicate with the man in the trunk. **(6:39:20)** Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** The body worn camera is fully blocked by Officer Chiu's jacket. **(6:39:14)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish. Officer Chiu says, "I can't see his hands." **(6:40:03)**

An officer gets over the PA [confirmed as Officer Milen Banegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officer Banegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Banegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)** When the shooting stops, Officer Chiu shouts out, "Shots fired." **(6:41:48)** An officer can be heard shouting, "Aye we need to check on that X in the backseat. Get an ambulance." **(6:41:59)**

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. The suspect in the back is also handcuffed after being removed from the car.

Officer Chiu begins to walk up the block with other officers checking on the safety of the residents on Capp Street. **(6:46:12)** He notices a broken window on a nearby home and lets another officer know. **(6:46:32)** He walks back towards the original police standoff line, and waits around with other officers.

Officers who are involved in the shooting are radioed over to a nearby parking garage, where Sergeant George Perez begins to write down their names and star numbers. **(6:50:25)** Because Officer Chiu shot, he moves over to the garage and gives his information to Sergeant Perez. **(6:50:49)** Lt. Ronald Banta walks up to the group, and asks "who shot". **(6:52:49)** Several officers raise their hands. Lt. Banta tells the officers who raised their hand, "not to talk to anyone about the case except for this guy [points to Sergeant Perez] who you're going to give public safety information to." Lt. Banta follows this up by telling the officers, "not to talk to each other about the incident." He asks, "Are all our body cameras on?" and after officers verbally confirm that they're on, he says, "Leave them on. Do not touch them. Do not mute them. Do not do anything." **(6:53:13)** Lt.Banta tells the officers to turn off their cellphones. He says, "I want you to get your cellphones out. I want you to turn them off. I do not want you to notify anybody, we [assumedly the SFPD] will notify family members to make sure everything is okay. **(6:53:26)** Lt.Banta tells the officers, "We're all going to move back to Mission Station. When we get to the station I don't want you guys to clean up, change your clothes, or do anything." **(6:53:57)** He tells the officers they will be moving back to Mission Station and should not clean up or do anything to their clothing. He requests that anyone with physical evidence (blood from the victim) to have a photograph taken before they move. He gives follow up orders for officers who were involved to get into vehicles and head to a station. An officer tells Lt. Banta that he "tagged him" and Lt. Banta asks for him to stop talking because he "doesn't want to know". **(6:56:12)**

Officer Chiu stands around with the rest of the officers involved in the shooting until he can get transported back to Mission Station. He leaves the scene with three other officers. **(7:00:35)** The group arrives at Mission Station and wait outside the building. **(7:04:13)** They're waiting from orders from a sergeant in regards to turning their cameras off before entering the building. They can't get in contact with the sergeant, so the officers enter the building and block their cameras as they walk through the station. **(7:06:32)** Officer Chiu enters a room and sits down in a chair. He sits in the room until he is told to turn the camera off.

FINAL_-[redacted]_OIS-Ofc__Cody__Sean__1375__CLETS_Redacted.mp4 – Total Runtime 2:53:57 [Officer Sean Cody 1375]

The video starts with Officer Sean facing angled towards the suspects vehicle, with his gun pointed at the car. He is directly behind a small Honda, watching a felony stop being conducted. The man in the truck is ordered to show lift the lid of the truck and show his hands by an officer [Confirmed to be Cassinelli]. The man in the trunk complies and shows his hands. **(6:36:58)** Officer Cassinelli asks the driver, "How many other people are in the car?" The driver replies, "just me and my girlfriend". **(6:37:18)** Officer Cassinelli tells the driver to, "step out of the car, and let me [Officer Cassinelli] see your hands the whole time." **(6:37:25)** He tells the driver not to turn off the car, and the driver exits the vehicle. Officer Cassinelli asks the driver to "walk back to the sound of his voice", and the driver complies. [redacted] Officer Sean puts down his gun and tells another officer, "All of them are the 909's [Citizens that need to be interviewed], so don't let them leave." **(6:38:29)** Officers repeatedly ask for the man in the trunk to show both his hands. Officer Sean asks if anyone speaks Spanish at **(6:39:22).** Officer Cassinelli can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach.

[redacted]

Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish. One voice shouts, "*Manos arriba, abre la cajuela*". [Translates to "Hands up, open the trunk."] Another shouts, "*Aye, salir el coche arrita*". [Translates to "leave the car right now."] An officer can be heard asking if there is a "working PA". **[Possibly Officer Binegas who translated] (6:40:01)** Voices continue to shout "*Manos arriba.*" [Translates to "Hands up."] Another officer can be heard saying, "watch that left hand of his." Officer Sean responds by saying, "Yeah. And he was talking with himself earlier. **(6:40:09)**

Officer Binegas begins to communicate formally in Spanish. **(6:40:16)** She begins by saying, "*Senor, que estas detras. Abre la cajuela. Ensena tus manos*." [Translates to, "Sir that is in the back. Open the trunk. Show your hands."] Officer Cassinelli can be heard telling Officer Binegas to inform him that he will get shot if he doesn't. Officer Binegas relays the orders by saying, "Si tu no ensenas tus manos, te vamos echar balazos." [Translates to "If you don't show your hands, we're going to shoot."] She repeats, "*Abre la cajuela. Ensena las dos manos.*" Officers shout at him again to stop reaching. **(6:40:48)** Officer Binegas repeats to him in Spanish that they will shoot if he doesn't show both hands. She says, "*Ensena la otra mano.*" Officers repeat at the man to stop reaching and show his hands. Officer Binegas speaks to the man again saying, "*Baja. Mira. Ensena la mano izquerda por favor.*" [Translates to "Lower. Look. Show your left hand please." Several officers can be heard shouting, "Redlight", the signal that

Commented [MG2]: Double check the translation here

an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Binegas says, ***"La otra mano. Ensena la otra mano. Te vamos a ??? Ensena la mano izquerda. Ensena la mano izquerda senor."*** An officer shouts, "Fuck", and gunfire breaks out. **(6:41:41)** Officer Sean ducks behind the Honda.

Officer Binegas continues telling the man in the trunk to show his hands in Spanish. She also begins communicating with the woman inside the car saying, "*Las personas que estan la dentro. Manos arriba. Manos arriba por favor."* [Translates to "The people that are in the car, hands up. Hands up please."] **(6:42:24)** She continues, "*Salga del carro con las manos arriba."* [Translates to "Out the car with your hands up."] She repeats this several times before following this message up with, "*No te mueve*." [Translates to "Don't you move.] **……..** Officer Binegas says, "Deja la manos arriba." [Translates to "Leave your hands up."] An officer tells a woman in the car to, "Get out the driver's side door." **(6:43:01)** Officer Binegas translates this statement by saying, "Abre la Puerta. Deja las manos arriba." [Open the door and keep your hands up.] After realizing the woman speaks English, Binegas switches to English and says, "Keep your hands up. Keep your hands up. Then go ahead and step out the car if you can. If you can't move stay in the car and leave your hands up. Do not move." **(6:43:26)** She asks the girl if there is anyone else in the car with her. When the girl's response can't be heard, Officer Binegas says, "Just show your right hand. Lift it up. And is there anyone else in the car. Give me a thumbs up if there's anyone else in the car with you. Are you the only one?" **(6:43:54)**

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. Audio is redacted from **7:13:32** until the end of the video. Officer Sean remains on the crime scene and helps to wrap caution tape around the scene of the shooting. The clip ends with Officer Sean going into the Mobile Command Vehicle.

FINAL_-_[redacted]_OIS-Ofc__Cody__Sean__1375__CLETS_Redactions.mp4 – Total Runtime 2:53:57 [Officer Sean Cody #1375 body worn camera]

The video starts with Officer Cody facing angled towards the suspect's vehicle, with his gun pointed at the car. He is directly behind a small Honda, watching a felony stop being conducted. The man in the truck is ordered to show lift the lid of the truck and show his hands by an officer [Confirmed to be Officer Stephen Cassinelli]. The man in the trunk complies and shows his hands. **(6:36:58)** Officer Cassinelli asks the driver, "How many other people are in the car?" The driver replies, "Just me and my girlfriend". **(6:37:18)** Officer Cassinelli tells the driver to, "step out of the car, and let me [Officer Cassinelli] see your hands the whole time." **(6:37:25)** He tells the driver not to turn off the car, and the driver exits the vehicle. Officer Cassinelli asks the driver to "walk back to the sound of his voice", and the driver complies. Officer Cody puts down his gun and tells another officer, "All of them are the 909's [Citizens that need to be interviewed], so don't let them leave." **(6:38:29)** Officers repeatedly ask for the man in the trunk to show both his hands. Officer Cody asks if anyone speaks Spanish at **(6:39:22).** Officer Cassinelli can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach.

Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish. An officer can be heard saying, "watch that left hand of his." Officer Cody responds by saying, "Yeah. And he was talking with himself earlier. **(6:40:09)**

An officer gets over the PA [confirmed as Officer Milen Banegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officer Banegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Banegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)** Officer Cody ducks behind the Honda.

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. Audio is redacted from **7:13:32** until the end of the video. Officer Cody remains on the crime scene and helps to wrap caution tape around the scene of the shooting. The clip ends with Officer Cody going into the Mobile Command Vehicle.

FINAL_[redacted]_OIS_Crime_Scene_Ofc__Cody__1375_NO_REDACTION – *Total Runtime 22:25* [Officer Sean Cody #1375 body worn camera]

The clip begins with Officer Cody standing with two other officers on the scene of the shooting. He immediately mutes his mic and never turns it back on. **(9:37:41)** Officers can be seen taking photographs of the scene and there are several yellow cones on the ground. [Could be markers for bullets found] He talks to a resident of a nearby building at **09:42:25.** CSI Investigators are on scene [Confirmed from other videos], and taking their time looking around the scene. The body is still under a tarp. Officers investigate the trunk of the car. **(9:50:01)**

Officer Cody leaves the scene and walks toward the Mobile Command Vehicle before arriving at a group of officers. **(9:59:10)** He turns his camera off as he reaches the group.

Final-AXON_Body_2_Video_2018-03-07_0327-Ofc__Cornejo-Rodriguez__Anita__327-CLETS_Redactions.mp4 – *Total Runtime 27:14* [Officer Anita Cornejo-Rodriguez #327 body worn camera]

The clip begins in an office, with Officer Cornejo-Rodriguez, another officer, and the female suspect in a room. Officer Cornejo-Rodriguez has the female suspect stand up and tells her, "I'm just going to take the handcuffs off because I'm relieving this officer." **(11:28:11)** After switching the cuffs, Officer Cornejo-Rodriguez speaks tells the female suspect that she needs her to sign a property receipt. The cuffs are removed for the suspect to sign the property receipt. Once the suspect is done signing the paper, she is cuffed again and is told to sit back down on the bench. Officer Cornejo-Rodriguez is watching over the suspect while in her phone.

A man enters the room and speaks to the suspect who is asleep. **(11:53:07)** He asks if she needs an interpreter before asking her what high school she goes to. After she responds, the man asks for the name of Officer Cornejo-Rodriguez, then says thank you and exits the room. He returns and lets the suspect know her cuffs will be taken off and then she will be talked to. **(11:54:43)** Officer Cornejo-Rodriguez exits the room and turns her camera off.

Final-No_Inc__Code_3-Ofc__Elrod__Ryan__2056-CLETS_Redactions.mp4 – *Total Runtime 2:51*
[Officer Ryan Elrod #2056 body worn camera]

The clip starts with Officer Elrod driving towards the incident. The clip is muted at **6:44:47** and audio doesn't return until **6:44:58.** Officer Zachary McAuliffe is his passenger, and says, "They're saying there's sufficient help." **(6:45:26)** Officer Zachary McAuliffe confirms that the incident is "Code 4". [No further assistance required] The clip ends.

FINAL_[redacted]_OIS_PERIMETER_Ofc__Fiorello__2460_CLETS_REDACTION – *Total Runtime 2:33* [Officer Jennifer Fiorello #2460 body worn camera]

The clip opens with Officer Fiorello driving. [Driving with Officer Michael Maric] Officer Maric is providing directions to Officer Fiorello in order for her to get them to the scene of the shooting. She asks Officer Marcic if he has, “any idea what’s going on.” Officer Marcic replies, “I heard 221 in vehicle.” **(6:47:31)** [221 is code for “Person with a gun”] Officer Fiorello states that they’re going to get out, and the recording ends.

FINAL_-_[redacted]_Medical_Examiner_s_Search_of_Suspect__Ofc__Frisk__715_-_NO_CLETS_REDACTIONS – *Total Run Time 29:34* [Medical Examiner, Officer James Frisk #715 body worn camera]

The clip begins with Officer Frisk walking up to the scene with a stretcher. There are multiple officers standing around the body, and a portable spotlight has been setup to illuminate the body. An officer states that they are, "waiting for a camera to photograph everything they find on the body." **(13:18:11)** Another officer asks, "Are you guys rolling?" [in reference to the officer's body worn cameras being on] After getting confirmation the officers have their cameras on he continues, "Good. Can you make sure that it captures whatever they find on him? Because we're hoping that there's some money."

The tarp is removed from the body. **(13:23:17)** Multiple officers take photos of the body. Officer Fisk is asked to take a tarp and obstruct the view of a resident of a nearby building. **(13:24:55)** He returns in view of the body at **13:27:38.** Officer Fisk removes his BWC from his chest and begins to film the body. **(13:28:00)** He focuses in on money in a pocket on the jacket in the body. [More than likely the money stolen from the pedestrians] Several items are removed from the body including knives, a wallet, and a phone with a case. The Delgado is fingerprinted and then his paper bags are placed over his handcuffs. The body is placed into a bag, and loaded onto the stretcher from the beginning of the clip. **(13:43:59)** The objects removed from the body are sorted out. The clip ends after Officer Frisk asks if he can turn his camera off.

Final-[redacted]_OIS-Ofc__Gustilo__Juan__1469-No_Redactions – *Total Runtime 40:12*
[Officer Juan Gustilo #1469 body worn camera]

The clip begins with Officer Gustilo facing towards the suspect's vehicle with his gun held up. There is a felony stop being conducted by Officer Stephen Cassinelli. **(6:37:56)** He is ordering the driver of the vehicle to walk backwards to be handcuffed. The driver is handcuffed by two officers and escorted away. **(6:38:28)** Officer Cassinelli then turns his attention to the man in the trunk, requesting for him to show his hands and get out of the trunk slowly. **(6:39:01)** Officers repeatedly ask for the man to stop reaching and open the trunk. Multiple officers are pointing their guns toward the trunk.

Officers spot a group of men in the distance up the street, and they ask these men to move away from the scene. **(6:39:32)** Officers continue to ask the man to not reach. After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish.

An officer gets over the PA [confirmed as Officer Milen Banegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officer Banegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Banegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)**

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. The woman still in the car is pulled from the car **(6:45:42)** Officer Gustilo moves with other officers to clear the scene and push pedestrians away. He returns to the scene where officers are performing CPR on the suspect who was shot. **(6:48:06)** EMT officials come on the scene to attempt to attempt the wounded suspect. **(6:48:47)**

Officer Gustilo joins a huddle of officers in front of a parking garage as he shot his gun. An officer takes down the STAR numbers of officers that were involved in the shootings. The officer tells everyone in the huddle not to touch their cameras.

Lt. Ronald Banta joins the huddle and begins to speak to the officers. **(6:52:45)** He begins by asking "who shot". Officers raise their hand to indicate they shot. Banta tells these officers "not to talk to anyone about the case except for this guy [points to the officer who took down STAR numbers] who you're going to give public safety information to." Lt. Banta follows this up by telling the officers, "not to talk to each other about the incident." He asks, "Are all our body cameras on?" and after officers verbally confirm that they're on, he says, "Leave them on. Do not touch them. Do not mute them. Do not do anything." **(6:53:13)** He says, "I want you

to get your cellphones out. I want you to turn them off. I do not want you to notify anybody, we [assumedly SFPD] will notify family members to make sure everything is okay. **(6:53:26)** Lt. Banta continues, "We're all going to move back to Mission Station. When we get to the station I don't want you guys to clean up, change your clothes, or do anything." **(6:53:57)** He request that anyone with physical evidence [blood from the victim] have a photograph taken, and an officer indicates he does have blood on himself. Lt. Banta asks several questions about officers' guns and suspects. Officers that were involved including Officer Gustilo wait beside a parking garage until they are escorted away in police vehicles.

Officer Gustilo and several officers get into an unmarked police car. **(7:00:33)** The car takes them to a police station where they file out of the vehicle. **(7:03:51)** The officers are unclear whether they should turn their cameras off while at the station, and wait outside for Lt. Banta to give them orders. When they receive their orders, Officer Gustilo and the officers enter the building. Officer Gustilo covers his camera with his hand as he walks through the building, and unblocks his camera when he enters a room. **(7:07:08)** Officer Gustilo quietly waits in the room with other officers. He is moved by another officer to a different room in the building. Officer Gustilo waits in the room with his camera on until an officer comes into the room **(7:17:45)** and tells him to turn the camera off.

FINAL_-_[redacted]_OIS_Found_Bullet_fragment__Ofc__Hawes__4335_-_CLETS_REDACTIONS
Total Runtime 1:17:05 [Officer Nikolaos Hawes #4335 body worn camera]

The clip starts with Officer Hawes standing on the outskirts of the Northern side of the crime scene. Red tape is already surrounding the scene, and yellow cones have been placed on the ground to mark bullet casings. He follows a civilian into a nearby apartment building. **(10:11:35)** The civilian leads him to his apartment door and allows Officer Hawes to enter. **(10:12:10)**

Officer Hawes goes to the window of the unit and sees holes in two windows. He finds a bullet fragment while searching the windowsill. **(10:12:53)** The officer then calls for the CSI Unit on scene over his radio to notify the unit of the bullet fragment. **(10:13:36)** CSI tells him to wait until they can send someone up. While waiting the officer looks around the room and talks to the resident of the unit. [The same civilian who let him in]

CSI enters the unit and collects the bullet fragment. **(11:06:53)** He also collects information about the location of the unit. A CSI investigator also takes photos. Officer Hawes takes down the information of the owner of the unit. **(11:14:54)** The audio from the clip is redacted at **11:19:58** and doesn't return until **11:20:29**. Officer Hawes gives the CSI investigator the resident's information. The investigator then leaves the apartment unit. **(11:24:28)** Officer Hawes gives the resident his information and the case number for the incident. He leaves the unit. **(11:27:55)**

_FINAL__[redacted]_OIS_Perimeter_Ofc_Hernandez_2327_CLETS_Redactions – *Total Runtime 36:13* [Officer Jose Hernandez #2327 body worn camera]

The clip begins with Officer Hernandez standing around on the edge of the crime scene, facing towards 22nd street. As he walks closer to the scene, an officer from behind can be heard saying, "Watch your feet because you're walking into a bunch of cases." **(6:53:57)** As officer Hernandez continues to walk closer to the shells, the same officer repeats his statement about the cases. An officer mentions that he heard there was a felony stop being conducted that went wrong. Officer stands a short distance from a huddle of officers talking to Lt. Ronald Banta [The group of officers involved in the shooting].

After leaving this area, Officer Hernandez gets into his car and leaves the scene. **(7:04:04)** He arrives at what appears to be a police station and gets out, standing around with officers talking. The clip ends.

FINAL_-_[redacted]_Prisoner_Transport__Ofc__Hicks__1706_-_NO_CLETS_REDACTION – *Total Runtime 8:50* [Officer Nicole Hicks #1706 body worn camera]

The clip begins in the hallway of office. Officer Hicks is standing in the hallway along with multiple officers and the handcuffed suspects from the vehicle that was pulled over. The two suspects are escorted out down different pathways in 850 Bryant Street. Officer Hicks takes the handcuffed woman to a building nearby to 850 Bryant [possibly a holding area] and the officers that assisted in escorting the suspects place their guns in lockboxes. The clip ends as the doors to the facility open.

Final-[redacted]_OIS-Ofc__Ishida__John__2035-CLETS_Redactions -*Total Runtime 1:04:34*
[Officer John Ishida #2035 body worn camera]

The clip begins just as Officer Milen Banegas is beginning to formally translate orders to the man in the trunk of the car. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officer Banegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Banegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)** Officer Ishida shoots and reloads.

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. The female suspect is removed from the backseat of the suspect's car and escorted away. Officers begin to perform CPR while Officer Ishida shines his flashlight on the wounded suspect. **(6:46:21)** Officer Ishida joins a group of involved officers. **(6:50:29)** Sergeant Perez takes down the name/star number of officers involved in the shooting. **(6:50:30)** Lt. Ronald Banta walks up to the group, and asks "who shot". **(6:52:49)** Several officers raise their hands. Lt. Banta tells the officers who raised their hand, "not to talk to anyone about the case except for this guy [points to Sergeant Perez] who you're going to give public safety information to." Lt. Banta follows this up by telling the officers, "not to talk to each other about the incident." He asks, "Are all our body cameras on?" and after officers verbally confirm that they're on, he says, "Leave them on. Do not touch them. Do not mute them. Do not do anything." **(6:53:13)** Lt.Banta tells the officers to turn off their cellphones. He says, "I want you to get your cellphones out. I want you to turn them off. I do not want you to notify anybody, we [assumedly the SFPD] will notify family members to make sure everything is okay. **(6:53:26)** Lt.Banta tells the officers, "We're all going to move back to Mission Station. When we get to the station I don't want you guys to clean up, change your clothes, or do anything." **(6:53:57)** He tells the officers they will be moving back to Mission Station and should not clean up or do anything to their clothing. He requests that anyone with physical evidence (blood from the victim) to have a photograph taken before they move. He gives follow up orders for officers who were involved to get into vehicles and head to a station. An officer tells Lt. Banta that he "tagged him" and Lt. Banta asks for him to stop talking because he "doesn't want to know". **(6:56:12)**

Officer Ishida goes with other officers to clean the blood of the wounded suspect off himself. **(6:59:50)** He awaits on scene to be transported back to Mission Station for interviews. He leaves the scene with three other officers in a police squad car. **(7:07:03)** The officers get to Mission Station and enter the building. **(7:10:09)** He waits in a hallway within Mission Station to be interviewed. An officer tells Officer Ishida to move to a new room in order. Another officer sits with him, and Officer Ishida blocks his camera when the other officer takes a phone call.

(7:18:06) Officer Ishida puts his coat over his camera. **(7:18:39)** His camera is blocked for the remainder of the clip. He is told to turn off his body camera, and the clip ends.

_FINAL__[redacted]_OIS_Ofc_Kajasa_2058_No_redactions – *Total run time 3:23:28* [Officer Sanja Kajasa #2058 body worn camera]

The clip begins with Officer Kajasa walking up to the stand off happening between the police and the man in the trunk. An officer [Confirmed as Officer Stepehen Cassinelli] asks for the man in the trunk to open the lid, while showing his hands. **(6:39:09)** He repeats this again. Several officers shout out the man to stop reaching, and Officer Cassinelli says, "You will get shot." **(6:39:16)** Officer Sean Cody asks if anyone speaks Spanish. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** Officer Kajasa asks into her radio, "Is there a Spanish speaking officer that can assist?" **(6:39:37)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish.

An officer gets over the PA [confirmed as Officer Milen Banegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officer Banegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Banegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)**Officer Kajasa backs up after drawing her weapon.

Over the radio, a Code 3 [Code for Emergency Response] is announced, and dispatch is told that shots have been fired. Officer Kajasa runs back to a squad car to pick up shields for officers to approach the vehicle with. **(6:43:45)** The shields are brought back, and after assessing any damage, the officers stack up and prepare to walk up to the trunk with shields. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. Officers begin searching the vehicle with gloves. Officer Kajasa moves up the street, towards the direction of which shots were fired beginning checks on vehicles and homes for any property damage. She mutes her mic at **6:47:40** and the audio doesn't return until **6:49:20.** While searching she speaks to a few people and explains what she is doing. She notes some damage to vehicles that have bullet holes, and informs the owners of how to proceed with their insurance companies. She leaves notes on the cars with damage, and takes pictures of the damage from her cell phone. She takes information down from the owners of the damaged vehicle. Officer Kajasa mutes her mic at **7:24:16** during a conversation with another officer. She unmutes the mic at **9:13:47** while talking to a citizen who's window was shattered by a bullet. Her mic is muted again at **9:19:55,** and the audio doesn't return. Officer Kajasa takes notes from a conversation she appears to be having with possible witnesses. The clip ends with her speaking with two officers in front of the Mobile Command Vehicle.

FINAL_-_[redacted]_OIS_PERIMETER__Michael_Marcic__817_-_Redacted – *Total Run Time 2:30* [Officer Michael Marcic #817 body worn camera]

The clip begins in a car with Officer Marcic in the passenger seat of a cop car. He is providing directions to the driver [Confirmed as Officer Jennifer Fierello] from his phone. Officer Fierello asks if Officer Marcic has "any idea what's going on", and he responds with, "I heard 221 in vehicle". **(6:47:31)** [221 is code for "Person with a gun"] Officer Fierello states that they're going to get out, and Officer Marcic ends the recording.

Final-No_Inc___Code_3-Ofc__McAuliffe__Zachary__1752-CLETS_Redactions.mp4 – *Total Runtime 3:20* [Officer Zachary McAuliffe #1752 Body Worn Camera]

The clip begins with Officer McAuliffe in the passenger seat of a police car, driving quickly. Officer McAuliffe is interacting with the CAD system while the other officer [Confirmed as Officer Ryan Elrod] drives. The clip is muted at **6:44:47** and audio doesn't return until **6:44:57.** Officer McAuliffe says, "They're saying there's sufficient help." **(6:45:26)** Officer McAuliffe confirms that the incident is "Code 4". [No further assistance required] The clip ends.

Final-[redacted]_OIS_photos_and_transporting_Officers-Ofc__McKelley__Brandon__2343-CLETS_Redactions - *Total Runtime 36:08* [Officer Brandon McKelley #2343 body worn camera]

The clip starts off with Officer McKelley at the scene of the OIS. Crime scene tape has bene setup on scene, and he is talking with two other officers. He mutes his mic at **6:55:42** and the audio never returns. Officer McKelley moves over towards the group of involved officers at a nearby parking garage, and stands in a huddle with Lt. Ronald Banta. He approaches the group of involved officers and begins to take pictures of them. **(6:58:40)** After taking pictures, he remains on scene until he leaves in a police vehicle with 3 other officers. **(7:04:41)** The group arrives at Mission Station and waits outside of the building. **(7:08:34)** The clip ends with Officer McKelley in a huddle of officers outside of Mission Staiton.

Final-Case__[redacted]_OIS-Ofc__Salar_Naderi-No_Redactions.mp4 – *Total Runtime 2:55*
[Officer Salar Naderi #858 body worn camera]

The clip starts with Officer Naderi at the scene of the shooting. He is walking towards 21st street. He stands quietly at the perimeter on 21st street and Capp. The clip ends with Officer Naderi walking up 21st street.

FINAL_-_[redacted]-OIS_Crime_Scene__Ofc__Pedroza__4094_-_NO_CLETS_REDACTIONS – *Total Runtime 33:34* [Officer Anthony Pedroza #4094 body worn camera]

The clip begins at the scene of the shooting with Officer Pedroza in by the ambulance. Officer Pedroza mutes his mic to talk to another officer. **(6:51:35)** The mic is never unmuted. Officer Pedroza speaks to numerous officers on the scene. He also makes several motions towards his radio. [Possibly communicating with dispatch] Officer Pedroza also speaks directly to Lt. Ronald Banta during his time on the scene. **(6:58:21)** The clip ends with Officer Pedroza walking away from the scene of the shooting.

Final-_[redacted]_OIS_PERIMETER-_Officer_Kyle_Roach__2457_-_Redactions – *Total Runtime 8:33*
[Officer Kyle Roach #2457 body worn camera]

This clip starts with Officer Roach standing close to the scene with other officers. He's looking for any bullets on the ground around the scene. Office Roach mutes his mic and never unmutes it. **(6:51:20)** After looking for any bullets, Officer Roach makes his way back towards the actual scene of the shooting where EMT personnel are looking at the dead suspect. **(6:54:08)** He remains on scene watching over the crime scene. He then exits the scene moving towards 21st street and the now parked ambulance. An officer passes him an assault rifle **(6:58:09)** and he continues walking away from the scene until the clip cuts off.

FINAL_-_[redacted]_OIS_PERIMETER__Ofc__Roach__2457_-_CLETS_REDACTIONS – *Total Run Time 40:50* [Officer Kyle Roach #2457 body worn camera]

The clip begins with Officer Roach unlocking the door to the car the woman from the suspect's car was being held in. She is then escorted to an ambulance by another and Officer Roach follows. She enters the ambulance at **7:10:19** with the officer she was being escorted by. Officer Roach remains outside of the ambulance watching towards the scene of shooting. He mutes the mic of his camera at **7:14:20.** The camera is unmuted at **7:15:30.** He mutes his camera again at **7:19:54** and has a conversation with another officer. Officer Roach unmutes his mic at **7:23:42.**

The woman from the suspect's car is escorted out the ambulance and into the back of another squad car. **(7:26:14)** Officer Roach walks back toward the scene of the shooting and mutes his mic when he gets inside the crime scene tape. **(7:27:25)** The audio never returns. He has a conversation with two officers and the clip ends with Officer Roach going up the steps of an apartment building.

_FINAL__[redacted]_Robbery_Interview_Ofc_Roman_2373_No_redactions – *Total run time 5:13* [Officer Bayardo Roman #2373 body worn camera]

The clip begins with Officer Roman talking to a female officer [possibly as Officer Milen Banegas, who translated over the PA] and two other citizens. Officer Banegas leaves [possibly to towards the PA] the area and Officer Roman turns to talk to one of the citizens. The audio from the camera comes in while the citizen Officer Roman is in the middle of his conversation with the citizen. The entire conversation lasts from **6:39:49** to **6:41:23.** Officer Roman walks to get crime scene tape from the trunk of his vehicle and opens the trunk just as shots erupt. He tells people nearby to the scene to backup and runs to another police vehicle to grab caution tape from the trunk. He tapes up the scene with another officer and the clip ends.

FINAL_-_[redacted]_OIS_Prisoner_Transport__Nicholas_Rose__2395_-_Redacted – *Total Runtime 22:36* [Officer Nicholas Rose #2395 body worn camera]

The clip begins with Officer Rose entering a building and putting on gloves. The officer places his gun into a lockbox and enters a second door. **(8:56:18)** He enters a room with a man who is hand cuffed to a bench. [Could be the driver of the suspect's car] The man asks Officer Rose for water and Officer Rose tells him to just relax. The man is having a panic attack and Officer Rose takes the man's cuffs off to reposition them. He then cuffs the mans hands behind his back. **(8:59:31)** Officer Rose searches the man. **(9:00:32)** Officer Rose is taking the man to 850 Bryant. The man is placed into the backseat of Officer Rose's car. **(9:03:31)** The man asks multiple questions during the ride over to 850 Bryant St., where the man will be interviewed. The officer repeatedly says he doesn't know the answer to the questions, and informs him that "if he knew, he'd tell…". They make small talk during the trip. The officer arrives at 850 Bryant St. **(9:14:12)** The man is removed from the backseat and escorted away from the car by two officers. **(9:15:45)** Officer Rose follows the group through the building. The camera is turned off.

FINAL_-_[redacted]_OIS__Michael_Rotschi___1514_-_Redacted.mp4 – Total run time 3:21:52
[Officer Michael Rotschi #1514 body worn camera]

This video clip begins with Officer Rotschi in the middle of the street, facing towards the victim's car. He is taking cover shortly behind the opened door of a police vehicle. An officer in front of him [confirmed to be Officer Joshua Tupper] is taking cover directly behind this opened door, with his gun pointed toward the open trunk of the vehicle. Two officers can be seen kneeling on the ground as they handcuff the driver of the vehicle, who has been escorted out **(6:38:26)**. While on the ground the driver shouts out, "What the fuck is going on?". The driver is then picked up off the ground and escorted away from the scene. Officer Tupper tells Officer Rotschi he hears the man in the trunk say he's about to shoot, to which Officer Rotschi replies, "just watch him". **(6:38:36)** Officers repeatedly ask for the man in the trunk to show both his hands. Tupper repeats that the man says he's going to shoot. An officer [confirmed as Officer Stephen Cassinelli] can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach.

Officers begin to ask if anyone speaks Spanish to communicate with the man in the trunk. **(6:39:20)** Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish. Officer Rotschi runs back to his car to look for an item, but doesn't find it. He returns and tells an officer holding a bean bag loaded shotgun that he "might have to use that on him".

An officer gets over the PA [confirmed as Officer Milen Binegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Binegas to inform him that he will get shot if he doesn't. Officer Binegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Binegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Binegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)** Rotschi and several other officers duck down.

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. Officer Rotschi helps to pull a woman from the backseat of the car, handcuffs her, and escorts her to the back of a police vehicle. **(6:45:42)** After briefly consoling her, he heads back to the scene and remains there until, a Lieutenant tells him to start a crime scene log. Officer Rotschi starts up a crime scene

log and mutes his mic. **(7:14:08)** The mic remains muted for the rest of clip. Officer Rotschi can be seen standing around the crime scene and adds crime scene tape to the scene at **7:21:50**. He remains on scene to continue filling out the crime scene log. Detectives appear to come on scene and begin to look around the crime scene. Casings are marked with cones and several officers look at the cop car Officer Tupper was standing behind as it has bullet holes in it.

FINAL_-[redacted]_Officer_Involved_Shooting__Benjamin_Shih__2089_-_Redacted__2_of_2_ - *Total Runtime 1:15* [Officer Benjamin Shih #2089 body worn camera]

The clip begins with Officer Shih facing towards the inside of an open police vehicle. An officer says [appears to be a phone conversation], "So Banta [confirmed as Lt. Ronald Banta] said keep our cameras on until homicide collects them. We never turned ours on…" **(7:11:10)** Officer Shih responds to this officer by saying, "I think that's people that were there for the actual shots fired." The officer confirms that the cameras of officers not involved in the actual shooting can be left off. **(7:11:20)** Officer Shih turns his camera off.

FINAL_-_[redacted]_Officer_Involved_Shooting__Benjamin_Shih__2089_-_Redacted__1_of_2_ - *Total Run Time 1:26:56* [Officer Benjamin Shih #2089 body worn camera]

The clip begins with Officer Shih facing towards a house. He is noting any cameras that are on homes on Capp street. He talks to multiple residents of these homes. Officer Shih finds a man who has recorded footage of the incident on his phone and takes down the man's information. **[7:52:20]** Officer Shih waits around with the man who recorded from his phone and discusses the filming of the incident. The man who recorded the incident enters the home at **8:04:39** to watch the recorded clip on a TV. After watching and recording the clip himself, the officer exits his home with the witness. After talking briefly, the audio of BWC is muted at **8:16:03** and is unmuted at **8:16:11.** He conducts a brief interview with the witness on the porch steps of the witnesses' home. Officer Shih notes the answers to the witness questions on a piece of paper. They wait for one of the officers from homicide to come by and come instruct them. Homicide detectives show up to speak to the witness at **8:55:02** and Officer Shih mutes his camera. He walks away from the porch and unmutes his camera at **8:55:33.** After walking over to an officer close to the crime scene, he mutes his mic again at **8:56:12** and shows the officer the recorded clip from the witness. The audio never resumes. After talking with a few more officers the clip ends with Officer Shih walking away from the scene.

Final-[redacted]_Officer_Involved_Shooting-Ofc__Shih__Benjamin__2089-No_Redactions – *Total Runtime 4:38* [Officer Benjamin Shih #2089 body worn camera]

The clip begins with Officer Shih walking up Capp Street towards 21st street. He is doing wellbeing checks on the street, ensuring that all citizens inside the buildings are safe. Officer Shih begins talking to a man standing on his porch steps. [Confirmed as a witness who recorded the shooting on his phone] **(6:49:23)** Officer Shih has the man check to see if his roommate is okay in the back of the house. He goes from home to home ensuring that every resident is okay. Officer Shih moves down to 22nd street and explains to other officers that he's doing wellbeing checks. He turns off his camera.

Final-[redacted]_OIS-Ofc__Smets__Colby__253-CLETS_Redactions – *Total Runtime 41:34*
[Officer Colby Smets #253 body worn camera]

The clip begins with Officer Smets riding in the backseat of a police car. He hops out and walks over to the scene with his gun drawn before putting gloves on. Officer Stephen Cassinelli is conducting a felony stop, and is giving commands to the driver of the suspect's car. The driver is told to walk back, and Officer Smets handcuffs the driver with the help of another officer. **(6:38:19)** He then escorts the driver back to a police car and frisks him. After frisking the driver, he places him into the backseat of a cop car, and returns to the line of cops facing the car. **(6:39:05)** Officers repeatedly ask for the man in the trunk to show both his hands. Officer Cassinelli can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach.

Officers begin to ask if anyone speaks Spanish to communicate with the man in the trunk. **(6:39:20)** Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish.

An officer gets over the PA [confirmed as Officer Milen Banegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officers shout at him again to stop reaching. **(6:40:48)** Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. An officer shouts and gunfire breaks out. **(6:41:41)** Officer Smets shoots at the trunk, and reloads when the shooting stops.

Officers wait for shields before approaching the car and removing the suspect from the trunk. The suspect has multiple gunshot wounds and is bloody. Officer Smets handcuffs the suspect with the assistance of another officer before turning him over. **(6:45:14)** CPR is began by an officer **(6:46:22)**, and isn't stopped until the fire department determines the suspect to be dead. **(6:48:53)**

Officer Smets meets with a huddle of other officers and talks to Officer George Perez before Lt. Ronald Banta joins the crowd. Lt. Banta walks up to the huddle of and asks "who shot". **(6:52:49)** Several officers raise their hands. Lt. Banta tells the officers who raised their hand, "not to talk to anyone about the case except for this guy [points to an officer] who you're going to give public safety information to." Lt. Banta follows this up by telling the officers, "not to talk to each other about the incident." He asks, "Are all our body cameras on?" and after officers verbally confirm that they're on, he says, "Leave them on. Do not touch them. Do not

mute them. Do not do anything." **(6:53:13)** Lt.Banta tells the officers to turn off their cellphones. He says, "I want you to get your cellphones out. I want you to turn them off. I do not want you to notify anybody, we [assumedly the SFPD] will notify family members to make sure everything is okay. **(6:53:26)** Lt.Banta tells the officers, "We're all going to move back to Mission Station. When we get to the station I don't want you guys to clean up, change your clothes, or do anything." **(6:53:57)**He tells the officers they will be moving back to Mission Station and should not clean up or do anything to their clothing. He requests that anyone with physical evidence (blood from the victim) to have a photograph taken before they move. He gives follow up orders for officers who were involved to get into vehicles and head to a station. An officer tells Lt. Banta that he "tagged him" and Lt. Banta asks for him to stop talking because he "doesn't want to know". **(6:56:24)**

Officer Smets has blood from the suspect on him, so he waits for pictures to be taken for evidence. After pictures are taken he goes to the fire departments truck and wipes the blood off his hands. **(7:00:33)** He then waits for a transport to Mission Station. He leaves he scene in a police vehicle headed to Mission Station. **(7:04:07)** The vehicle arrives at Mission Station, and stands outside of Mission Station. **(7:08:33)** He enters Mission Station **(7:10:05)** and is escorted to a room where he waits. **(7:11:05)** The clip ends when he's told to turn his body camera off.

Final-[redacted]_OIS-Ofc__Smith-Russack__Ari__4132-CLETS_Redactions – *Total Runtime 36:36* [Officer Ari Smith-Russack #4132 body worn camera]

The clip starts off with Officer Smith-Russack on the far left of the police lineup. He is holding a rifle which he has pointed down, while being behind a red pickup truck. Several officers can be scene with their guns pointed toward the trunk of the suspects car. Officer Milen Banegas can be heard instructing the person in the trunk in Spanish. An officer asks if there's anyone in the backseat of the car, and Officer Smith-Russack responds, "Yeah, you've got one X in the back." **(6:40:48)** Officers shout at the man in the trunk to stop reaching. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)** An officer can be heard shouting, "Aye we need to check on that X in the backseat. Get an ambulance." **(6:41:59)** Officers [including Officer Smith-Russack] shout at civilians in the distance to backup.

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. The suspect in the back is also handcuffed after being removed from the car. Officer Smith-Russack brings down his gun and in doing so blocks his body worn camera. **(6:45:29)**

Along with Officer Chiu, Officer Smith-Russack advances up the street to check on the safety of residents on Capp Street. **(6:46:09)** He notices bullet holes on a window and requests that a resident lets him into the building. Officer Smith-Russack waits at the door to the building with another officer [confirmed as Officer Christopher Wynkoop] until the resident he communicated with lets him in. **(6:50:10)** He places handcuffs on the door to keep it from locking. Officer Smith-Russack continues to walk through the apartment building with his rifle in hand. The pair of officers find a resident that lets them into the garage of the building in order for them to check on the safety of anyone who could've been hurt. Officer Smith-Russack exits the building at **6:58:10** to go check with his superior about a crime scene log. His gun blocks the camera at **6:58:48** and it remains blocked until **7:00:16.** He makes contact with a Sergeant and informs him that there holes in the garage of the residence he checked and asks if he should setup a crime scene log. **(7:00:01)** The sergeant tells asks him if he was involved in the shooting and Officer Smith-Russack says that he shot. The sergeant tells him to, "leave your [his] camera on" and to "turn your [his] phone off. **(7:00:12)** He also tells Officer Smith-Russack not to talk to any other officers about what happened. Officer Smith-Russack joins a group of officers in front of a nearby parking garage.

Officer-Smith Russack leaves the scene with 3 other officers, headed back to Mission Station. **(7:07:02)** The officers arrive at the station and enter the building. **(7:10:14)** Officer Smith-Russack enters a room in the building and sits down. The clip ends when he is told to turn his camera off.

Final-[redacted]_Robbery_OIS-Tallerico__Anthony__976-CLETS_Redactions – *Total Runtime 30:16* [Officer Anthony Tallerico #976 body worn camera]

The clips starts with Officer Tallerico walking away from the crime scene, towards the Mobile Command Vehicle. Tallerico then walks back to the scene as other offices begin to congregate around the scene. There are multiple officers standing around the body, and a portable spotlight has been setup to illuminate the body. An officer states that they are, "waiting for a camera to photograph everything they find on the body." **(13:18:11)** Another officer asks, "Are you guys rolling?" [in reference to the officer's body worn cameras being on] After getting confirmation the officers have their cameras on he continues, "Good. Can you make sure that it captures whatever they find on him? Because we're hoping that there's some money."

The audio on the clip is redacted at **13:18:59** and doesn't return until **13:19:06.** The audio is redacted again at **13:19:11** and returns at **13:19:15.**

The officers wait until a camera can be brought to photograph the body as it is examined. The tarp is removed from the body. **(13:23:17)** Multiple officers take photos of the body. Officer Tallerico is asked to take a tarp and obstruct the view of a resident of a nearby building. **(13:24:55)** He continues to hold the tarp up while officers examine the body of the deceased. Several items are removed from the body including knives, a wallet, and a phone with a case. The Delgado is fingerprinted and then his paper bags are placed over his handcuffs. The body is placed into a bag, and loaded onto the stretcher from the beginning of the clip. **(13:43:59)** The objects removed from the body are sorted out.

The clip ends with Officer Tallerico still obstructing the view of the nearby residents.

Final-[redacted]_OIS-Ofc__Tupper__Joshua__4115-No_Redactions – *Total Runtime 11:01* [Officer Joshua Tupper #4115 body worn camera]

The clip begins with Officer Tupper standing behind an open door of a cop car. A strap can be seen in the middle of the camera. Officer Stephen Cassinelli can be heard conducting a felony stop. Officer Tupper tells Officer Michael Rotschi he hears the man in the trunk say he's about to shoot, to which Officer Rotschi replies, "just watch him". **(6:38:36)** Officers repeatedly ask for the man in the trunk to show both his hands. Officer Tupper repeats that the man says he's going to shoot. Officer Stephen Cassinelli can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach.

Officers begin to ask if anyone speaks Spanish to communicate with the man in the trunk. **(6:39:20)** Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish.

An officer gets over the PA [confirmed as Officer Milen Binegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Binegas to inform him that he will get shot if he doesn't. Officer Binegas relays the orders in Spanish. Officers shout at him again to stop reaching. **(6:40:48)** Officer Binegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Binegas continues her Spanish translation. An officer shouts and gunfire breaks out. **(6:41:41)** Officer Tupper falls back without firing a shot.

After assessing any damage, the officers stack up and prepare to walk up to the trunk with shields they've pulled from the back of their trunks. They approach the vehicle with their guns drawn and remove Delgado from the back of the trunk. The suspect in the back is also handcuffed after being removed from the car. An officer asks for a "Code 3" [Police Code for Emergency Response] because he "doesn't got a pulse". **(6:45:46)** A knife is requested and Officer Tupper provides it. His camera is blocked by a strap. **(6:46:20)** The clip ends with the strap still blocking the camera, and Officer Tupper still on scene.

Final-AXON_Body_2_Video_2018-03-06_2257-Ofc__Tupper__Joshua__4115-CLETS_Redactions - *Total Runtime 21:22* [Officer Joshua Tupper #4115 body worn camera]

The clips starts off with Officer Tupper in a huddle of police officers next to Sergeant George Perez. Officer Tupper awaits on the scene for a transport to take him to Mission Station because he was involved in the shooting. Officer Tupper leaves the scene in a police vehicle along with two other officers. **(7:07:29)** The officers arrive at Mission Station, and enter. **(7:11:08)** Officer Tupper stands in a hallway until the clip ends when an officer tells him to turn his camera off.

FINAL_[redacted]_Officer_Involved_Shooting_Perimeter_Security_Ofc__Willis__455_CLETS_REDACTION [Officer Brandon Willis #455 body worn camera]

The clip begins with Officer Willis rushing to get into the back of a police car. As he gets in he says “Code 4” [Police Code for…] The car begins driving with sirens on. He is holding an object in his hands, but it’s unclear what the object is. Over Officer Willis’ radio you can hear someone say, “It’s not Code 4 yet, but it’s not a 406”.**(6:43:18)**[A 406 is police code for] The officers stop and hop out of the car, heading towards the scene of the shooting. An ambulance is pulling up just as the officers arrive. **(6:47:22)** The officers are told to “push the perimeter back”. **(6:47:56)** Officer Willis and another officer continue to push back a group of civilians towards a police tape line. The clips ends as Officer Willis helps to setup the police line at 21st and South Van Ness Ave.

Final-[redacted]_OIS-Ofc__Wynkoop__Christopher__608-CLETS_Redactions.mp4 *Total Runtime 1:25:27* [Officer Christopher Wynkoop #608 body worn camera]

The clip starts off with Officer Wynkoop on 20th street and Mission. He speaks to a woman in a car and asks her if she lives in the area. Officer Wynkoop continues to stand on the corner for several minutes, before getting into the passenger side of a police car. Dispatch comes in over the radio and states there is an emergency 221 [Person with a gun]. There are 3 officers in the vehicle and they drive quickly to get to the incident.

The officers get out and walk over to the police standoff. **(6:38:02)** They arrive just as the male driver is being handcuffed in a felony stop. The driver is then picked up off the ground and escorted away from the scene. Officers repeatedly ask for the man in the trunk to show both his hands. Tupper repeats that the man says he's going to shoot. An officer [confirmed as Officer Stephen Cassinelli] can be heard instructing the man in the trunk to show both his hands, and exit the vehicle slowly while showing both hands. These orders are repeated several times. Several officers get startled when they believe the man is reaching for something, and shout to him not to reach. Officer Wynkoop's gun is now out of the holster, and he is aiming it downwards while facing the direction of the suspect's open trunk. **(6:39:12)**

Officers begin to ask if anyone speaks Spanish to communicate with the man in the trunk. **(6:39:20)** Officers continue to ask for the man in the trunk to show his hands. A group of men are spotted in the distance up the street, and they are asked to move away from the scene. **(6:39:32)** After continuing to not receive compliance from the man in the trunk, Officer Cassinelli asks if anyone speaks Spanish again. **(6:39:49)** Multiple voices can be heard shouting out in Spanish.

An officer gets over the PA [confirmed as Officer Milen Banegas] and begins to communicate formally in Spanish. Officer Cassinelli can be heard telling Officer Banegas to inform him that he will get shot if he doesn't. Officer Banegas relays the order. While she is translating, officers shout at him again to stop reaching. **(6:40:48)** Officer Banegas repeats to him in Spanish that they will shoot if he doesn't show both hands. Officers repeat at the man to stop reaching and show his hands. Several officers can be heard shouting, "Redlight", the signal that an officer is preparing to fire a bean bag round to stun the target. The round is fired and Officer Banegas continues translating before an officer shouts and gunfire breaks out. **(6:41:41)** Officer Wynkoop doesn't shoot and remains in cover behind a car.

An officer request that someone goes with him to help clear the street of civilians towards 22nd and Capp. Officer Wynkoop walks with him. Two men are on the sidewalk with their hands up, and the officer who made the request speaks to them in Spanish. **(6:43:50)** They back up and then they're patted down. When they're cleared of any weapons. They're told to go down the street towards 22nd. The officers then walk back to the scene of the shooting where Delgado is being handcuffed. The woman is then removed from the car and escorted back towards 21st.

Officer Wynkoop goes to [redacted] and is let into the building by a woman. Officer Wynkoop and another officer [Confirmed as Officer Ari Smith-Russack] are looking to check the garage of a building because there were bullet holes in the garage. Another resident lets them into the garage, and Officer Wynkoop investigates the door to the garage. **(6:55:14)** He takes pictures of the door with his cell phone. He leaves the building and joins a group of officers. Officer Wynkoop is told he's a witness and shouldn't leave the scene. He waits with Officer Bohannon and says he "didn't see anything." **(7:08:31)** Officer Bohannon and Officer Wynkoop head to their police car and find out that it's dead. **(7:13:33)** They exit their vehicle and move to another car to place information into the CAD. **(7:14:59)** They exit the vehicle and stand towards the perimeter on 21st and South Van Ness Avenue. They discuss their experience as police officers, and continue to wait on the perimeter. An officer arrives with a jumper box for Officer Wynkoop. After discussing the situation with Lt. Ronald Banta, an officer instructs him to go get the car. He jumps his car, and gets into it. An officer gets in his passenger side and Officer Wynkoop drives off to the perimeter. (**7:44:46)** He stops behind an ambulance at the perimeter and waits for the other officer. When she returns to the car she tells him they're going back to Mission Station to talk to investigators. She tells him he's allowed to deactivate his camera and she turns it off.

Final-[redacted]_OIS_Prisoner_Transport-Ofc__Jarrod_Yee-CLETS_Redactions.mp4 – *Total Runtime 14:46* [Officer Jarrod Yee #71 body worn camera]

The clip begins with Officer Yee accompanying Officer Orlaigh Campbell as she escorts the female suspect from Mission Station to a park police car. Officer Yee is driving to the Hall of Justice.

Upon arrival, enters through a raised gate and parks in a parking garage. **(8:54:29)** Both officers exit the vehicle and pull the suspect from the backseat. **(8:56:24)** The trio walk through the halls of the Hall of Justice and the clip ends as the group enter a room.

Final-[redacted]_OIS_Perimeter_-_Officer_Bryan_Zahn__4303_-_Redactions – *Total Runtime 28:42* [Officer Byran Zahn #4303 body worn camera]

The video clip begins with Officer Zahn standing at the edge of the police perimeter at 21st and South Van Ness Ave. He is ensuring that no civilians enter the police line, or step out of their homes. A few civilians ask about moving through the police line to get into their homes, and Officer Zahn explains to them that they won't be allowed in until the police can get the correct personnel in. The clip ends when Officer Zahn is told to turn his camera off while still standing at the same point on the perimeter.

Final-[redacted]_OIS_PERIMETER__Ofc__Roach__2457__CLETS_Redactions – *Total Runtime 2:07:01* [Officer Kyle Roach #2457 body worn camera]

The clip begins with Officer Roach walking down the stairs of an apartment building. After exiting the building, he mutes his mic to talk to another officer on the scene. **(7:53:43)** The mic remains muted for the rest of the video.

Officer Roach is on the perimeter of the scene facing towards 22nd street. CSI Investigators arrive on scene. **(8:01:47)** Officer Roach begins fiddling with a bullet in his hands. **(8:02:56)** [It appears he might've recovered the bullet from inside a building]

He walks towards the Mobile Command Vehicle and speaks to a group of officers on that outer perimeter. **(8:14:19)** After briefly talking with an officer, Officer Roach returns to his original position. **(8:16:02)** Officers shine their flashlights on the ground nearby the perimeter. **(8:30:14)** [Could be searching for bullets]

Officer Roach walks back towards the Mobile Command Vehicle and has a conversation with a group of officers by the station. **(8:40:06)** He exits the scene with another officer headed North up Capp Street. The officers walk up to the 20th street perimeter where several officers are setup. **(8:45:33)**

He escorts a man onto the scene to get into his home. **(8:58:43)** He repeats this again for another resident at **9:03:53.** Officer Roach remains at the perimeter until the end of the video.

****

Key Things to Note:

Hello!

Below this document is a list of write-ups to all BWC footage for DPA Case 0097-18.

Important things to note:

1)Officers who have multiple clips will have the timestamp for each clip at the end of their file name.
Ex: Officer Jones 1_10_11 = Officer Jones Clip with Total Runtime of 1 hour, 10 minutes, and 11 seconds.

2)All timestamps within these BWC footage summaries will be bolded.

3)Brackets denote my own opinions or references.

4)Quotations denote direct quotes from individuals within the footage.

****

Final-[redacted]_OIS_INVESTIGATION_-_Sergeant_Oscar_Barcena__1715_-_Redactions – *Total Runtime 2:59* [Sergeant Oscar Barcena #1715 body worn camera]

The clip begins with Sergeant Barcena driving towards the scene. Sergeant Barcena parks and walks across 21st street to the scene of the shooting. He arrives as the officers are removing the woman from the back of the car. Sergeant Barcena asks an officer on scene, "Who's the 408 for?" **(6:45:39)** [408 is code for ambulance] The officer responds to the question by pointing to a group of officers huddled around the suspect who was shot and saying, "The guy in the back." The officers are beginning to perform CPR on the suspect who was shot. **(6:46:01)** Sergeant Barcena walks away from the scene and moves towards 21st street. The clip ends.

Final-[redacted]_OIS-Sgt__Caldera__Leonard__498-CLETS_Redactions.mp4 *Total Runtime 22:51* [Sergeant Leonard Caldera #498 body worn camera]

The clip starts with Sergeant Caldera standing behind just behind the standoff between the police and the suspects [prior to the Officer Involved Shooting]. Officer Milan Banegas is instructing the man in the trunk in Spanish. She is asking him to show his other hand [his left hand]. Shooting breaks out. An officer asks for a 406 [code for "Officer Needs Emergency Help"], but Sergeant Caldera contests this and radios in that a 406 isn't necessary. He says that there are "sufficient units on scene". **(6:42:017)** Sergeant Caldera asks for a shield to be grabbed.

Sergeant Caldera orders the officers to pull the man out of the trunk and cuff him. He requests that officers pull the woman from the backseat after the man is cuffed. **(6:44:17)** Sergeant Caldera radios in for a 408 [Ambulance request] and also radios in a Code 4 [No further assistance required]. He asks that officers make note in the CAD that CPR is starting. **(6:46:31)** Sergeant Caldera requests that officers begin to check "down range" [towards 22nd street] for rounds going down range. **(6:48:08)** He mutes his mic at **6:48:40** and the audio never returns.

Sergeant Caldera talks to several officers on scene, and is a part of Lt. Ronald Banta's initial discussion with all the officers involved in the shooting. **(6:52:41)** The clip ends with Sergeant Caldera still at the scene.

Final-AXON_Body_2_Video_2018-03-06_2244-Sgt__Perez__George__739-CLETS_Redactions.mp4 *Total Runtime 43:52* [Sergeant George Perez #739 body worn camera]

The clip starts off with Sergeant Perez in the trunk of a police vehicle, grabbing shields to approach the suspect's car with. He grabs the shield and jogs back to the scene. The shield blocks the camera and Sergeant Perez can be heard saying "pull him out". [Probably in reference to Delgado in the trunk] Sergeant Perez asks the woman in the backseat "not to move". He tells all officers to leave their "magazines on the floor". **(6:46:13)** Officers can be seen performing CPR. **(6:47:10)** Sergeant Perez begins to tape off the crime scene from a nearby parking garage to the opposite side of the street. **(6:48:25)** He asks another officer if he wants him to take a list of the officers who shot, and the officer says yes. **(6:49:52)** Sergeant Perez organizes a group of officers who shot in front of the same parking garage he taped off earlier, and takes their name/star number. **(6:50:30)**

Lt. Ronald Banta walks up to the group, and asks "who shot". **(6:52:49)** Several officers raise their hands. Lt. Banta tells the officers who raised their hand, "not to talk to anyone about the case except for this guy [points to Sergeant Perez] who you're going to give public safety information to." Lt. Banta follows this up by telling the officers, "not to talk to each other about the incident." He asks, "Are all our body cameras on?" and after officers verbally confirm that they're on, he says, "Leave them on. Do not touch them. Do not mute them. Do not do anything." **(6:53:13)** Lt.Banta tells the officers to turn off their cellphones. He says, "I want you to get your cellphones out. I want you to turn them off. I do not want you to notify anybody, we [assumedly the SFPD] will notify family members to make sure everything is okay. **(6:53:26)** Lt.Banta tells the officers, "We're all going to move back to Mission Station. When we get to the station I don't want you guys to clean up, change your clothes, or do anything." **(6:53:57)** He tells the officers they will be moving back to Mission Station and should not clean up or do anything to their clothing. He requests that anyone with physical evidence (blood from the victim) to have a photograph taken before they move. He gives follow up orders for officers who were involved to get into vehicles and head to a station. An officer tells Lt. Banta that he "tagged him" and Lt. Banta asks for him to stop talking because he "doesn't want to know". **(6:56:12)**

Sergeant Perez goes and several officers to come transport some officers to Mission Station to talk to investigators. After he gets all officers to get transported, he stands in a huddle with Lt.Banta as he gives orders to other officers. Lt.Banta instructs everyone to move away from the cars towards the north to make sure the casings aren't touched. **(7:02:59)** He provides a summary of the events to Sergeant Leonard Caldera. He continues to walk around the scene having discussions with other officers. Sergeant Perez mutes his camera **7:11:57** and audio doesn't return until **7:14:40.** He mutes his camera again at **7:17:29** to discuss with another officer. Audio returns at **7:21:58**, with Sergeant Perez in the passenger seat of a police vehicle. He is leaving the scene and arrives at Mission Station. **(7:24:33)** He takes the guns of

two officers who are escorting the male suspect into Mission Station. The clip ends while he's in an office room at the station.

#2)

SAN FRANCISCO POLICE DEPARTMENT
CHRONOLOGICAL OF INVESTIGATION

TYPE OF CASE	CASE NO.	VICTIM
Robbery/OIS	[redacted]	SFPD
DATE	**DETAIL**	**INSPECTOR ASSIGNED**
Tuesday, March 06, 2018	Homicide Detail	Sgt. Martin Bandvik #479

DATE	TIME	ACTIVITY
03-06-18	2306	Received call from DOC of Officer Involved Shooting at 21st St. and Capp St.
03-07-18	1223	Came on scene 21st St. and Capp St.
	1255	Went to 651 Capp St. with Sgt. Parker. Met with the witness [redacted] who showed us cell phone video he took of incident. Arranged to have [redacted] transported to Homicide for interview
	0515	ME on scene to take custody of deceased. I retained cellphone, cellphone case (red), (2) BofA ATM Bank Statement and U.S. Currency from deceased. 3 x $20 1 x $10 4 x $1 Total: $74.00
	0603	Left crime scene
	0620	Out at HOJ
	1410	Picked up BWC from CSI
	2103	Conducted taped interview with Sgt. Caldera at the Homicide Detail (see recording for more details)
	2115	Seized BWC from Sgt. Caldera
03-08-18	1456	Conducted taped interview with Officer Gustilo at the Homicide Detail (date is incorrectly stated during interview)
	1652	Conducted taped interview with Officer Chiu at the Homicide Detail
03-09-18	1134	Conducted taped interview with Officer Nagai at the Homicide Detail
	1340	Dropped off BWC to CSI
03-12-18	1150	Spoke with Sgt. Ferreira at GTF. [redacted]
	1219	Conducted taped interview with Sgt. Perez at the Homicide Detail
	1335	Submitted Preservation Request for Instagram account [redacted]
	1440	Sgt. Parker and I picked up ME buddle from ME's Office and packaged

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DATE	TIME	ACTIVITY
		evidence for booking. E1- Med Evid and Biological specimen release record (retained in case file) E2- (12) photo copies of ME buddle Envelopes (retained in case file) E3- Blood Spot 1 E4- ME seal E5- GSR Kit E6- Left Fingernail Scrapings E7- Right Fingernail Scrapings E8- (R) hand Swab-Dry E9- (L) hand Swab-Dry E10- Control Swab-Wet E11- Control Swab-Dry E12- (R) Hand Swab-Wet E13- (L) Hand Swab-Wet E14- (L) Hand Bag E15- (R) Hand Bag E16- Projectile #1 E17- Projectile #2 E18- Projectile #3 E19- Projectile #4 E20- Projectile #5 E21- Projectile #6 E22- Projectile #7 E23- Projectile #8 E24- Projectile #9 E25- Projectile #10 E26- Projectile #11

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DATE	TIME	ACTIVITY
		E27- Projectile #12 E28- Projectile #13 E29- Projectile #14 E30- Projectile #15 E31- U.S. Currency (3x$20, 1x$10, 4x$1) Total:$74.00 E32- BofA ATM Slip (dated 03-06-18) E33- BofA ATM Slip (dated 02-26-18) E34- Apple iPhone E35- iPhone Case (red)
03-16-18	0856	Collected DNA from the suspect [redacted] at the Homicide Detail. [redacted] attorney was present.
	0935	Booked [redacted]'s DNA into Property Control at HOJ

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SAN FRANCISCO POLICE DEPARTMENT
CHRONOLOGICAL OF INVESTIGATION

TYPE OF CASE	CASE NO.	VICTIM
Officer Involved Shooting (OIS)	[redacted]	[redacted]
DATE	**DETAIL**	**INSPECTOR ASSIGNED**
Tuesday, March 06, 2018	Homicide	Supplemental Chron prepared by Sgt. Graves #1734 (Lead: Sgt. Watts #1594)

DATE	TIME	ACTIVITY
		"All times are approximate and the interviews contained within this Chronological of Investigation are summaries and are intended to be an investigative aid for the investigators assigned to the case. The Chronological of Investigation in general is solely provided as a guide and is also used to reference other documents to assist the investigator(s) during the investigation. All documents contained within the case binder may not be referenced in this Chronological of Investigation."
03/06/18	2320	Received a Department of Operations Center (DOC) alert via SMS and email notification. The alert advised that there was an Officer Involved Shooting (OIS) that occurred at 2236 hours at Capp Street and 20th Street.
03/07/18	0030	Arrived at the Command Post located at [redacted] to assist with the investigation.
	0100	Sgt. Hutchings #904 and I initiated a canvass for any witnesses and/or video surveillance cameras on the east side of the 600 Block of Capp Street. We made contact and interviewed the residents of [redacted] and [redacted]. All interviews were recorded and later saved to a CD-R. *Refer to Investigator Notes for residents' contact information.
	0200	Responded to Mission Police Station to assist with interviewing percipient witnesses, but was redirected to respond to the Homicide Detail.

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SAN FRANCISCO POLICE DEPARTMENT
CHRONOLOGICAL OF INVESTIGATION

TYPE OF CASE	CASE NO.	VICTIM
Robbery	[redacted]	[redacted]
DATE	**DETAIL**	**INSPECTOR ASSIGNED**
Friday, August 04, 2017	Gang Task Force	Sgt. Robert Trujillo #928

DATE	TIME	ACTIVITY
08/15/17	1500	The case was transferred over from Mission Station and I was assigned the case. I reviewed the incident report and below is a summary of the incident report. • On 8/4/17 the **victim** [redacted] was chased down and robbed in front of [redacted] **located at 18th Street and South Van Ness Ave.** • [redacted] was with his girlfriend [redacted] when the robbery occurred. [redacted] witnessed the incident • Two suspects exited a silver Nissan Altima and robbed [redacted] of his backpack. The backpack contained a cell phone, social security card, birth certificate, and credit cards. • The partial plate for the suspect vehicle was **California "[redacted]"** • Suspect 1- identified by witness as [redacted]**).** Description: HMA, 17-18, 5'8, grey sweater, black shirt, black jeans, black hair, with a long tail. • Suspect# 2- HMA, 18-19 years of age, 5'6, black beanie, black shirt, blue jeans. • Suspects confronted [redacted] again at [redacted]. • Officers tracked the cell phone to Leavenworth St and Turk St before the phone was turned off. • Camera at [redacted] • From prior investigations and prior police contacts, I know that [redacted] **associates with the** [redacted] and hangs out in the area of Dolores Park. I have recent contact with [redacted] and I know he was a ponytail.
08/16/17	1400	I called victim [redacted] and arranged for him to come in for an interview on 08/17/17.
	1405	I called witness [redacted] and arranged for her to come in for an interview on 08/17/17 and a photographic lineup.
08/17/17	1203	I created a Photographic lineup using SF Mugshots
	1300	I spoke to Kathleen Owens from the Juvenile Probation Department. PO Owens informed me that [redacted] was currently on Juvenile Probation. Owens sent me [redacted]'s probation conditions and the probation conditions were retained with the case file.
	1405	I called [redacted] and she advised me that she could not make in for the interview today and [redacted] was still at work. They will attempt to come for an interview on 08/18/17
	1815	I called [redacted] at [redacted] regarding video surveillance cameras. [redacted] informed me his business only has interior surveillance cameras and no exterior cameras.
08/18/17	1145	Victim [redacted] and witness [redacted] came into the office for interviews
	1200	I conducted a tape recorded interview with **victim** [redacted]. Below is a brief summary of my interview with [redacted]. For the entire interview see the tape recorded interview. • Suspect vehicle license plate was **(CA#** [redacted]**).** [redacted] recently

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DATE	TIME	ACTIVITY

saw the vehicle again and got the license plate.

- I read [redacted] his statement and he confirmed his statement given to the police
- [redacted] observed the suspects looking at him while they drove past him
- The vehicle made a "U" turn to come back for [redacted].
- The suspects took his back pack.
- [redacted] jumped in an unknown red four door vehicle to get flee from the suspects since he was in fear for his life
- [redacted] did not know the driver of the red vehicle.
- The unknown driver drove [redacted] to **18th St and Mission St ([redacted])**
- When [redacted] went into [redacted] the same suspects came into the store to look for him
- [redacted] had a knife on his person and pulled it out to defend himself
- Two suspects approached [redacted]. The store owners told them to leave the store.
- One suspect had a knife and the other suspect had a chain with a padlock on it
- **The suspects were [redacted] St.**
- The suspects always hangout at **Dolores Park**
- [redacted] **said one of the suspects was** [redacted]
- [redacted] did not know the name of the other suspect
- [redacted] is the suspect that chased [redacted] and took his backpack
- [redacted] told the suspects in the suspect vehicle to run over [redacted]
- [redacted] had a gold bowie knife and the other suspect had a padlock attached to a chain
- The suspects said they were going to kill him **SFPD-H 000201**
- The suspects stated "Fuck all you [redacted]"
- [redacted] is a disrespectful term for [redacted]
- [redacted] stated that [redacted] stabbed "[redacted]" from what he heard from people
- [redacted] is mad because a couple of his boys got shot in Dolores Park
- [redacted] lives in the [redacted]
- [redacted] saw the same suspect vehicle two weeks ago when his cousin Jesus Delgadoe got beat up at 24th St and Capp St. The suspects beat up his cousin with a padlock.
- [redacted] and [redacted] both know [redacted] from [redacted]. They both went to high school with him.
- [redacted]. They all hang out in Dolores Park
- [redacted] beat up his cousin on 8/5/17
- [redacted] heard that [redacted]'s two boys got shot in Dolores Park
- The cell phone that was stolen was an Apple 6s plus and it belonged to

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DATE	TIME	ACTIVITY
		• [redacted]'s girlfriend is a tall black girl • [redacted] was holding all the papers and property in his backpack when it got stolen • [redacted] use to be in [redacted] but he is not active member anymore • He got out of the gang four and half years ago. • [redacted] stated that a [redacted] suspect saw [redacted] and ran back into his friend's house in [redacted]. [redacted] heard [redacted] guys shot and killed [redacted]. • The [redacted] guys saw [redacted] walking and shot him • [redacted] was part El Salvadorian • All the new [redacted] guys told them about [redacted] • [redacted] was a Shotwell guy when he was young • [redacted] heard [redacted] is the one that stabbed "[redacted]" I know from prior investigations that "[redacted]" is [redacted]. [redacted] was recently stabbed on 8/7/17 (Case# [redacted] SFPD-H 000202 I conducted a tape recorded Photographic Lineup with [redacted]. I read [redacted] the Lineup Admonition. [redacted] **positively identified** [redacted] **in the Photographic Lineup.** [redacted] stated that he knows him personally and saw him that day. [redacted] positively identified one of the fillers as being the other suspect with [redacted] during the robbery I took photos of [redacted] and his tattoo. The Photographic Lineup, the photos of [redacted], and the tape recorded interview were retained with the case file.
	1245	I conducted a tape recorded interview with **witness** [redacted]. Below is a brief summary of my interview with [redacted]. For the entire interview see the tape recorded interview. • Graduated from [redacted] • I read [redacted] her written statement and she confirmed her statement • All [redacted]'s personal items were in the backpack that were stolen • After the Robbery occurred [redacted] met back up with [redacted] at 18th St and Mission St • [redacted] observed the suspect vehicle at 18th St and South Van Ness St • [redacted] chased after [redacted] at 18th St and South Van Ness St • [redacted] observed four other suspects in the suspect vehicle • [redacted] did not know the other suspect • Knew [redacted] from [redacted]

DATE	TIME	ACTIVITY
		• Also knew [redacted] from seeing him at Mission Playground • Knew [redacted] because one of her friends was also friends with him • All the suspects were between 18-20 years of age • Suspect vehicle was a Sliver Nissan Altima, 4doors, clean looking, and tinted windows • [redacted] observed four suspects in the vehicle • [redacted] described [redacted] as having a long tail and wearing a gray hooded sweatshirt. I conducted a tape recorded Photographic Lineup with [redacted] I read [redacted] the Lineup Admonition. • [redacted] picked one of the fillers and stated he was also with [redacted]. • [redacted] picked out [redacted] **and positively identified him in the lineup.** • [redacted] picked filler and stated that he was there too. Stated he was one of the guys in the car. The photographic lineup and the tape recorded interview were retained with the case file.
	1306	Sgt. Cortes conducted a records check on the license plate that [redacted] gave **(CA# [redacted]).** The vehicle came back registered to a 2014 Nissan 4 door. The vehicle was registered to a [redacted]. I know [redacted] to go by the moniker of "[redacted]" and is associated with the [redacted].
	1450	I was advised by Officer Camilosa from Mission Station that they had just arrested [redacted].
	1505	I notified juvenile Probation Officer Kathleen Owens that [redacted] had been arrested.
	1525	I responded to Mission Station to take over the investigation. At Mission Station Officer Camilosa briefed me on the arrested and informed me that [redacted] had a cell phone on his person during the time of the arrest. I took custody of [redacted]'s cell phone.
	1541	I conducted a tape recorded interview [redacted]. I read [redacted] his Miranda Warning Rights and he understood his rights. Below is a brief summary of my interview with [redacted]. For the entire interview see the tape recorded interview. • current address is [redacted] • Cell phone number [redacted] • Attends [redacted] • Jessica Bishop is his Probation Officer • [redacted] stated he got into an altercation with somebody at 18th St and Mission St. [redacted] knows him from a prior altercation. [redacted] stated that he chased him before. • [redacted] stated that he was walking to Dolores Park when he got into the altercation.

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DATE	TIME	ACTIVITY

- the male subject that [redacted] got into an altercation was [redacted]
- [redacted] denied any type of altercation at 18th St and South Van Ness Ave
- The victim was with his girlfriend and [redacted] confronted him.
- [redacted] stated the victim ran when he saw him and the victim dropped his backpack. This incident happened at 18th St and South Van Ness Ave
- [redacted] stated that he was alone and he did not have a weapon when he confronted the victim
- The victim and his girlfriend chased [redacted] during a past altercation that occured in July on the 49 bus at 20th Street and Mission. [redacted] stated the victim chased him with a knife. [redacted] did not call the police when that incident happened.
- [redacted] stated to the victim that he is not a gang banger.
- [redacted] stated he threw the victims backpack away on 19th St and Mission St when he heard the police
- [redacted] walked into the smoke shop alone and observed the victim
- [redacted] stated the victim pulled out a knife and rushed at him
- [redacted] did not know that the victim was going to be in the smoke shop
- [redacted]'s cell phone service provider is Metro PCS

SFPD-H 000204

Gang Affiliation

- [redacted] wears a lot of blue because of where he lives. He feels more comfortable wearing blue
- Stated he's never been jumped into a gang before
- Was wearing a blue jacket a and blue shoes during the time of arrest
- Was arrested in territory claimed by the [redacted]
- [redacted] has been "checked" before by [redacted] in the Mission
- Plays soccer with [redacted]. ([redacted] is associated with the [redacted])
- One of the victims that were recently shot in Dolores Park was friends with [redacted].

- [redacted] was in a vehicle and came back around when they saw the victim.
- [redacted] did not know the driver of the vehicle he was in.
- Some guys picked up [redacted]
- [redacted] knew the victim from a prior altercation
- There was four people in the vehicle when they saw the victim [redacted]
- The front passenger got out the vehicle first and began chasing after the victim
- The front passenger knew the victim from past altercations
- [redacted] got out the car after the passenger got out
- The victim's girlfriend saw [redacted] when he got out of the vehicle.
- [redacted] knew the victim's girlfriend because he went to [redacted]

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DATE	TIME	ACTIVITY

School with her

- The victim started running into the street when he saw them chasing after them
- [redacted] stated the first suspect that ran after the victim had a knife in his hand
- When the suspect with the knife got close to the victim he dropped he backpack in the street
- [redacted] stated the other suspect he was with picked up the backpack and put in on
- [redacted] observed the victim yelling for help in the middle if the street. A random car stopped and picked up the victim
- [redacted] and the other suspects drove to 18th St and Mission St to the store and [redacted] observed the victim in the store
- The victim had a knife on him and rushed [redacted]. [redacted] was also with another subject
- [redacted] stated he only knew one of the suspects in the vehicle with him. [redacted] identified him by his moniker of [redacted] since he did not know his real name.
- [redacted] stated [redacted] was a "Homie" from Richmond and is from the set [redacted]
- [redacted] knows [redacted] from Facebook and Dolores Park
- [redacted] stated the vehicle he was in belonged to [redacted] friend
- Stated the car was not a Nissan but was an Acura
- The suspects in the vehicle are the ones that kept the stolen backpack
- **Description of [redacted]:** Hispanic male, 19 years of age, curly hair, 5'7-5'8 in height, and 160 pounds. Wearing a black beanie, black hooded sweatshirt, black sweatpants, and blue shoes.
- [redacted] stated he ran at the victim be he not never confronted him
- The front passenger hoped out of the suspect vehicle first
- One suspect had a metal rod attached to rope and used it as a weapon
- The suspect used the rod and rope to chase after the victim
- [redacted] stated he had no other choice but to hop out of the car
- Description of another suspect involved: Hispanic male, 24-25 years of age, 5'11 in height, and 175 pounds. Suspect had [redacted]. He was wearing a black hooded sweatshirt, black "SF" hat, sweatpants, and white Airforce shoes
- The same suspect that had the rope and rod weapon. The suspect is from [redacted]. The suspect has been seen at Dolores Park. He's English speaking.
- The suspect did not really like [redacted] because he took too long to get out of the car
- The suspect vehicle picked up [redacted] at 18th St and Clarion before they did the robbery.
- [redacted] stated the victim snitched on him.
- [redacted] stated the victim's name is [redacted] and he [redacted]

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DATE	TIME	ACTIVITY
		I took photos images of [redacted] and his long ponytail. The photo images and the tape recorded statement were retained with case file.
	1707	During the tape recorded interview [redacted] initially told me he did not want me to search the photos in his cell phone. After the interview [redacted] changed his mind since he told me that he did not have any gang photos in his cell phone. [redacted] signed a Permission to Search form to search his cell phone. [redacted] only gave me permission to search his photo gallery in cell phone. Officer Cummins was a witness when [redacted] signed the Permission to Search form. The Permission to Search form was retained with the case file. Officer Cummins issued [redacted] a Property receipt for his cell phone and the cell phone was retained with the case file
	1730	Officer Camilosa informed me they were going to conduct a probation search on [redacted]'s home.
8/21/17	1330	Sgt. Cortes informed me he was canvassing the area of the incident for surveillance camera footage. See Sgt. Cortes' Chronological for canvass locations.
08/20/17	0700	I reviewed the supplemental incident report authored by Officer Cummins from Mission Station. I prepared a rebooking package to present to the District Attorney's Office.
	0730	I created a folder for the Body Worn Camera Footage. The footage was forwarded to the District Attorney's Office for review
8/21/17	1100	Case presented to the District Attorney's Office
8/22/17	1100	[redacted] was rebooked for robbery- 211 PC.
10/24/17	1400	I called the ADA that was assigned the case. ADA Tanisha Gooch was assigned the case. ADA Gooch informed that [redacted] was going to take a plea deal and take the robbery charge with a strike.
10/25/17	1200	I booked [redacted] Samsung Cell phone into evidence at the Property Control Division.
	1300	**Case closed 5 with a Juvenile ARREST.**
12/29/17	1400	**Special Agent Alicia MacDonald from HIS seized [redacted]s cell phone and authored a Search Warrant for the cell phone. A copy of the Search Warrant was retained with the case file.**

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Management Control Division
CHRONOLOGICAL RECORD OF INVESTIGATION

IAD CASE	DATE OF OCCURRENCE	DATE DEPARTMENT NOTIFIED
OIS [redacted]	March 6, 2018	March 6, 2018
3304 DATE	**DETAIL**	
TBD	Internal Affairs Division	Sergeant Pilar E. Torres #597

DATE	TIME	ACTIVITY
3/6/18	2314	I received a CCSF Alert regarding an officer involved shooting (OIS) that had just occurred in the Mission District.
	2318	I received a call from Lt. Cox regarding the OIS. Lt. Cox called to ensure that IAD was responding. I was currently on-call.
3/7/18	0020	I arrived at PSB-HQ to retrieve the CAD and the responded to the scene of the incident.
	0042	I arrived on scene and met with Lt. Cox, who informed me that he had just updated Commander Walsh of the situation. I made contact with Lt. Ed Yu from Homicide Detail.
	0130	I obtained a preliminary list of the involved offices from Lt. Yu.
	0200	I was directed to respond to Mission Station for witness interviews. I was given a preliminary list of witness officers.
	0300	PIO sent out a news release regarding Capp Street OIS, placed in case file.
	0312	I was informed that there would be no interviews conducted at this time. I advised Sgt. Crudo to meet me at the crime scene for a walk through.
	0345	Sgt. Crudo and I conducted a walkthrough of the crime scene with Sgt. Marty Bandvick of the Homicide Detail.
	0436	Arrived back at the PSB-HQ to initiate case file OIS[redacted] Sgt. Crudo initiated the 83 Form and assigned me the case, made the DEM request for CAD [redacted] Printed out CAD history for this incident, not certified.
	0500	Sgt. Franco and Sgt. Ospital started pulling employee profiles, multiple cards and photos of the involved members.
	0558	Sgt. Crudo requested work histories (Green cards) for the involved members from Mr. David Ng.
	0600	Sgt. Crudo requested POST and SFPD training records for the involved members from Ms. Jenica Liu at the SFPD Academy.

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Management Control Division
CHRONOLOGICAL RECORD OF INVESTIGATION

	0755	Sgt. Crudo requested a copy of the CSI draft report when it is available.
	0826	I emailed Sgt. Watts to advise him that I was the IAD lead and requested copies of any witness interviews conducted.
	0849	Sgt. Watts called and informed that five civilian witness interviews had been conducted and available to be copied. Sgt. Watts also advised that witness and involved officer interviews had yet to be decided.
	0900	Service request made to the Photographic Unit by Sgt. Crudo
	0940	I checked SFGate and Examiner for any media related articles.
	1005	Sgt. Bartel (BWC) sent out an email regarding asking supervisors to not reassign replacements BWC units, for officers involved in OIS, until advised to do so.
	1033	Sgt. Franco and Sgt. Ospital responded to DEM to obtain certified CAD.
	1055	Sgt. Franco and Sgt. Ospital dropped off CSI/Photo lab request.
	1057	Sgt. Franco and Sgt. Ospital responded to Homicide to pick up civilian witness requests at my request after speaking with Sgt. Watts. Sgt. Franco and Sgt. Ospital were told by Lt. Yu that no interviews were available.
	1305	Sgt. Joe Minner set the RTD panel for Wednesday, 3/13/18, at 1000 hours (PHQ #5165)
	1450	Ms. Liu responded with the POST and SFPD training records, which were placed into case file.
	1600	Sgt. Crudo, Sgt. Franco and Sgt. Ospital responded to Homicide Detail to monitor witness officer interviews.
	1620	Sgt. Ospital sent out a request for RTD debriefing to Sgt. Long (BSU) and Sgt. Ting (Range).
	1751	Sgt. Long responded and advised that the BSU debriefing was set for Monday, 3/12/18, at 1100 hours.
3/8/18	1100	Sergeants Crudo, Franco, Ospital and myself responded to the Homicide Detail to monitor the member involved interviews. SFPD members interviewed were: Ofc. Smets Ofc. Ishida Ofc. Cassinelli

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		Ofc. Chiu Ofc. Carroll Ofc. Gustilo Ofc. O'Rourke Ofc. Tupper Ofc. Smith-Russack
	1408	Mr. Ng responded and sent the requested information.
	1500	I responded to CSI, photo lab, to retrieve photo/video CDs. This was during a break in the Homicide interviews.
	1558	Sgt. Bartel (BWC) sent out a BWC Metadata directive email regarding OIS [redacted].
	1610	PIO sent out a news release regarding Capp Street OIS, placed in case file (UPDATE).
3/9/18	0830	I sent POA attorneys' Brass and Noble information for the involved officers on their required participation in BSU, Range and Force Options Training.
	1130	Sgt. Crudo and I responded to the Homicide Detail to monitor additional member involved interviews. SFPD member interviewed: Ofc. Nagai I was able to obtain what was available of the Homicide case file from the lead investigator, Sgt. G. Watts.
	1546	SFPD PIO advised of the town hall meeting on Monday, March 12th 2018 1800 hours.
3/11/18		I attended an ICI Homicide course 3/12/18 thru 3/23/18.
3/25/18	0800	I began to review the case file to get caught up on the status. -3/12/18 @1413 hours: Received DPA request regarding OIS 18-002. Sgt. Crudo handled in my absence – nothing provided, nothing available. -3/12/18 @1452 hours: Academy staff, Sgt. Pomatto sent copies of FOS RTD documentation for the listed officers: Stephen Cassinelli Ari Smith-Russack Juan Daniel Gustilo Sean O'Rourke Colby Smets Joshua Tupper John Ishida

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		Loren Chiu Nicholas Nagai Corbyn Carroll All the listed officers successfully completed the requirement. -3/13/18 @0904 hours: Sgt. Crudo requested transcripts of the Homicide interviews with Sgt. George Perez and Officer Caleb Bohannon. -3/13/18 @1212 hours: Range Master, A/Sgt. Bozin sent copies of Range RTD documentation for the listed officers: Stephen Cassinelli Ari Smith-Russack Juan Daniel Gustilo Sean O'Rourke Colby Smets Joshua Tupper John Ishida Loren Chiu Nicholas Nagai Corbyn Carroll All the listed officers successfully completed the course.
3/27/18	1518	I requested a corrected copy of the Homicide transcripts from Roomian & Associates, dated 3/12/18.
	1806	I received the corrected copy of the Homicide transcript from Roomian & Associates, dated 3/12/18.
4/9/18	1500	Initiated BWC case file, began reviewing OIS videos.
4/11/18	1000	I requested to meet with Sgt. Watts from Homicide Detail to ensure I have all the interview information.
4/16/18	1030	Sgt. Watts responded and acknowledged my request.
4/17/18	1200	Obtained completed CSI report #[redacted] from 850 Bryant St.
4/19/18	1000	I responded to Homicide Detail to obtain Homicide interviews that I do not currently have. I obtained ten additional audio recorded interviews and one KPIX news video.
4/23/18	1400	I sent out seven interviews to be transcribed.
4/24/18	0900	I sent out an additional four interviews to be transcribed.
	1500	I sent out member involved interview notices for the following officers:

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		Sgt. Perez Sgt. Barcena Ofc. Cassinelli Ofc. Gustilo Ofc. Chiu Ofc. Tupper Ofc. O'Rourke and witness Officer Santana
4/30/18	1000	I sent out additional member involved interview notices for the following officers: Ofc. Smith-Russack Ofc. Nagai Ofc. Ishida
	2000	I received a call from Mr. Nobles, he indicated that he had some scheduling conflicts and wanted to look at some dates. I informed him that I did not have work calendar available. I ask him to call me tomorrow during the day.
	1330	Mr. Nobles called back, some dates and times were discussed, nothing agreed upon at this point. Awaiting a call back.
5/1/18	1500	I received returned service notifications from the following officers: Ofc. Santana Ofc. Chiu Ofc. Cassinelli Ofc. Tupper Ofc. Smets Sgt. Perez Sgt. Barcena
5/2/18	1802	I received the return call from Mr. Nobles. I was driving and asked him to email me the requested dates and I would confirm upon receipt in the morning. Mr. stated that he would do so.
5/3/18	1000	I received a return service notification from Officer Sean O'Rourke.
	1600	Officer Bryan Santana responded to IAD to be interviewed as a witness. Sgt. Cristina Franco assisted with the interview.
	1715	Sgt. Franco assisted in ordering transcripts from the interview with Officer Santana.
	1745	I had yet to receive an email from Mr. Noble. I sent him an email asking to confirm that the interview with Sgt. Perez on Monday 5/7/18 was cancelled. I also requested available dates to set the interview. Awaiting a response.

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Management Control Division
CHRONOLOGICAL RECORD OF INVESTIGATION

5/4/18	0026	Sgt. Barcena emailed and requested to see a copy of the report to refer to his statement and asked to view his BWC footage.
	1100	Mr. Nobles emailed and we settled on 5/22 @ 1200 hours for Sgt. Perez
5/5/18	2000	Mr. Nobles requested to reschedule Officer O'Rourke's date from 5/21 @ 1000 hours to 5/18 @1100. I am waiting to confirm the date.
5/7/18	1100	I advised Captain Chignell from the POA that Mr. Noble had contacted me for the upcoming interviews. However, neither Mr. Shea nor Mr. Brass had contacted me to this date to confirm or reschedule any interview dates.
	1200	I received a call from Mr, Shea. He asked that I send him a list of the officers involved.
	1235	I received a call from Mr. Brass asking about Sgt. Barcena's interview date and time.
	1354	I called and spoke with Sgt. Barcena regarding his request.
	1400	I received a returned service notification from Officer Gustilo.
5/8/18	1000	I received an email from Mr. Shea indicating that Mr. Noble and Mr. Brass will be handling the interviews.
	1100	Sgt. Barcena called and requested that his interview be changed to Wed 5/9/18 @ 1600 hours. I emailed Sgt. Barcena and Mr. Brass to confirm the changes.
5/9/18	1558	I conducted an IAD interview of Sgt. Barcena, who was represented by Mr. Tony Brass. Assisting during the interview was Sgt. John Crudo.
	1700	I sent the audio file of Sgt. Barcena's interview to be transcribed.
5/14/18	1400	I conducted an IAD interview of Officer Stephen Cassinelli, who was represented by Mr. Tony Brass. Assisting during the interview was Sgt. Paul Ospital.
5/15/18	0500	I conducted an IAD interview of Officer Joshua Tupper, who was represented by Mr. Don Nobles. Assisting during the interview was Sgt. Paul Ospital #121.
	0830	I sent an email to Mr. Brass and Mr. Nobles to confirm the remaining interviews and to allow for any rescheduling if necessary.
	0930	I sent the audio files of Officers' Tupper and Cassinelli to be transcribed.
	1100	Mr. Brass requested to change Officer Chiu's interview to Thursday, 5/17/18, at 1130 hours.
	1200	Mr. Nobles requested to move Officer Carroll's interview to Thursday, 5/24/15, at 1100 hours. I requested that he ensure Officer Carroll request the change of interview and change of hours via his chain of command.

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Management Control Division
CHRONOLOGICAL RECORD OF INVESTIGATION

5/17/18	1209	I conducted an IAD interview of Officer Chiu #1306, who was represented by Mr. Tony Brass. Assisting during the interview was Sgt. Crudo #1694.
	1354	I conducted an IAD interview of Officer Smets #253, who was represented by Mr. Tony Brass. Assisting during the interview was Sgt. Crudo #1694.
5/18/18	1101	I conducted an IAD interview of Officer O'Rourke #2214, who was represented by Mr. Don Nobles. Assisting during the interview was Sgt. Crudo #1694.
	1333	I conducted an IAD interview of Officer Gustilo #1469, who was represented by Mr. Don Nobles. Assisting during the interview was Sgt. Crudo #1694.
5/21/18	0536	I conducted an IAD interview of Officer Smith-Russack #4132, who was represented by Mr. Don Nobles. Assisting during the interview was Sgt. Crudo #1694.
	1000	I sent the audio files of Officers' Chiu, Smets, O'Rourke, Gustilo and Smith-Russack to be transcribed.
	1100	I received the transcripts from Officers' Tupper and Cassinelli IAD interview.
	1118	I sent an email to Mr. Brass (cc'd Officer Ishida) informing him that I was canceling the interview scheduled for Thursday, 5/24/18, at 2200 hours. I advised that I could sent out another notice or if he would like to send me a date and time, I would make it work. Awaiting a response.
5/23/18	1635	It came to my attention that the interview notices for Officers' Ishida and Nagai were not sent out. The officers were not formally served. I called Mr. Brass to confirm and he advised me that he would contact both officers to obtain some interview dates.
5/24/18	1125	I conducted an IAD interview of Officer Corbyn Carroll , who was represented by Mr. Don Nobles. Assisting during the interview was Sgt. Crudo #1694.
6/4/18	1345	I did not get a call from Mr. Brass regarding interview dates for Offices' Ishida nor Nagai. I sent out additional interview notices and confirmed that they were delivered to the commanding officer of both officers.
6/6/18	1130	I received a return service notification for interview with Officer John Ishida.
6/7/18	1140	I received a return service notification for interview with Officer Nicholas Nagai.
6/11/18	0930	I received the transcripts from Officer Carroll's interview.
	1430	I sent an email to Officer Ishida and Mr. brass informing them that I had to cancel the scheduled interview and that I would advise them of the new date and time.
6/13/14	0130	Officer Ishida acknowledge the cancelation of the interview. I sent out a notice of interview for Monday, 6/18/18, 2200 hours.

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Management Control Division
CHRONOLOGICAL RECORD OF INVESTIGATION

6/14/18	0830	Mr. Brass requested that Officer Ishida'a interview be conducted after the 6/20/18 and hopefully during business hours. I proposed conducting the interview on Thursday, 6/21/18, time (TBD).
	1610	I conducted an IAD interview of Officer Nagai #2017, who was represented by Mr. Tony Brass. Assisting during the interview was Sgt. Crudo #1694
6/20/18	1629	I conducted an IAD interview of Officer John Ishida #2035, who was represented by Mr. Tony Brass. Assisting during the interview was Sgt. Crudo #1694
6/21/18	0900	Audio files for interviews with Officer Ishida, Officer Nagai and Sergeant Perez were sent out for transcription.
6/28/18	1115	I received the transcripts from the interviews from Officer Ishida, Officer Nagai and Sergeant Perez.

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Attorneys for Plaintiffs [redacted] and [redacted]

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

[redacted]

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; STEPHEN CASSINELLI, individually and in his capacity as a police officer for the City of San Francisco; CORBYN CARROLL, individually and in his capacity as a police officer for the City of San Francisco; LOREN CHIU, individually and in his capacity as a police officer for the City of San Francisco; JOHN ISHIDA, individually and in his capacity as a police officer for the City of San Francisco; JUAN GUSTILO, individually and in his capacity as a police officer for the City of San Francisco; NICHOLAS NAGAI, individually and in his capacity as a police officer for the City of San Francisco; SEAN O'ROURKE, individually and in his capacity as a police officer for the City of San Francisco; COLBY SMETS, individually and in his capacity as a police officer for the City of San Francisco; ARI SMITH-RUSSACK, individually and in his capacity as a police officer for the City of San Francisco; JACK TUPPER, individually and in his capacity as a police officer for the City of San Francisco; and DOES 1-50, individually and in their official capacities as police officers for the City of San Francisco,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

[42 U.S.C. Section 1983 and pendent tort claims]

JURY TRIAL DEMANDED

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Plaintiffs [redacted] and [redacted] ("Plaintiffs") allege as follows:

INTRODUCTION

1. This case arises out of the March 6, 2018 shooting death of 19-year old shooting death of Decedent, Jesus Adolfo Delgado Duarte (hereinafter "Decedent"), by police officers of the San Francisco Police Department.

JURISDICTION AND VENUE

2. This action arises under Title 42 of the United States Code, Section 1983. This Court therefore has jurisdiction pursuant to 28 U.S.C. § 1331. This Court also has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367.

3. The unlawful acts and practices alleged herein occurred in the City and County of San Francisco, which is within this judicial district. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

PARTIES

4. Decedent died unmarried, without children, and died intestate. Plaintiffs are the sole surviving heirs of Decedent under California intestacy laws. Plaintiff [redacted] is decedent's surviving father. Plaintif[redacted] is decedent's surviving mother.

5. Defendant CITY AND COUNTY OF SAN FRANCISCO ("CCSF") is a municipal corporation duly organized and existing under the laws of the State of California, and manages and operates the City of San Francisco Police Department ("SFPD").

6. Defendants STEPHEN CASSINELLI, CORBYN CARROLL, LOREN CHIU, JOHN ISHIDA, JUAN GUSTILO, NICHOLAS NAGAI, SEAN O'ROURKE, COLBY SMETS, ARI SMITH-RUSSACK, and JOSHUA TUPPER, were, and at all times mentioned herein, are police officers for the City of San Francisco, and are sued in their individual and official capacities.

7. Plaintiffs are ignorant of the true names and capacities of other defendants sued herein as DOES 1 through 50, inclusive, which also comprise of the regular and on-the-scene police supervisors on March 6, 2018, as well as those who acted to supervise and train said ten SFPD officers on how to address stressful situations where loss of life was a distinct possibility,

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as per policy laid out in SFPD (Department)GENERAL ORDER 5.01 (Revised December 21, 2016) ("DGO"), Use of Force, Policy safeguarding human life and dignity, de-escalation, proportionality, crisis intervention, vulnerable populations, minimal amount of force necessary, reasonable force. Plaintiffs therefore sue these defendants by such fictitious names. Plaintiffs are informed and believe that each of these DOE defendants is legally responsible and liable for the incident, injuries, and damages hereinafter set forth. Each DOE defendant proximately caused injuries and damages to Plaintiffs because of their negligence, breach of duty, negligent supervision, management or control and in violation of public policy. Each DOE defendant is liable for his/her personal conduct, vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly, or whether based upon agency, employment, ownership, entrustment, custody, care or control or upon any other act or omission. Plaintiffs will amend the complaint to allege their true names and capacities when ascertained.

STATEMENT OF FACTS

8. Decedent was employed by [redacted] in San Francisco, California. On March 6, 2018, Decedent had performed work at that employer's store, and ended his shift at approximately 8:00 P.M. He was then picked up by a friend named [redacted] who had then just ended his college classes. [redacted] drove Decedent to the McDonald's restaurant at the corner of Mission Street and 24th Street, San Francisco, where they took in a meal. The two conversed in English, since Decedent had grown up in the Mission District of San Francisco and English was his primary language. While eating there, the two were joined by [redacted] and his girlfriend named '[redacted]' Decedent had met this [redacted] and [redacted] when they had also worked at said [redacted] store previously. As Decedent had appeared to have work-related stress (following long hours that he had done at work while saving money to buy a car for his father who had a partial walking disability), this [redacted] slipped some Xanax medication into Decedent's soda drink. After the group finished their meal at that McDonald's, Decedent left with [redacted] and [redacted], and [redacted] went on his own.

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9. [redacted] then drove with Decedent at the front passenger seat of his black Honda automobile, while [redacted] who by then appeared to be intoxicated with alcohol, slept on the back seat with her small puppy dog. [redacted] eventually parked near Capp Street and 21st Street. [redacted] then asked decedent to do him a favor to collect a debt from two men about a block away. Decedent alighted from the car and walked to the location described by [redacted]. Minutes later, Decedent came back walking at a fast pace. Instead of having him sit back at the front passenger seat, [redacted] opened the trunk of his car and beckoned for Decedent to go there, after which [redacted] closed the trunk lid shut.

10. [redacted] drove away, only to be stopped by an SFPD patrol car. [redacted] was asked to get out of the car, to which he complied. In the process of [redacted] being questioned by the SFPD officers, it became apparent that there were other persons inside [redacted] automobile.

11. The SFPD then caused a female officer to speak in Spanish into a loud speaker, ordering the passengers of [redacted] car to get out of that vehicle. Since [redacted] was asleep, she did not comply. Decedent, on the other hand, opened the trunk lid, and began to slowly move his limbs, so that both his legs and his right hand became visible from the outside. There were several SFPD officers who yelled conflicting instructions to decedent at the scene, including, for example, "Show us your hands," to which decedent apparently complied; and then other SFPD officers commanded decedent, "Do not move." This happened repeatedly.

12. However, following the Spanish instructions on the loud speaker, an SFPD officer fired a bean bag bullet into the trunk of [redacted] vehicle. From the video footages, it appeared that this frightened decedent, so that he moved his three limbs back into the inside of the trunk of [redacted] vehicle, though the trunk lid remained partly open. However, words were heard, apparently from the inside of the trunk of [redacted] car, which included something like, "I'm not going to get deported." Then, witnesses stated that a gunshot was heard. Immediately, the ten SFPD officers listed in Paragraph 6 above, who were at least about 3 meters away from the rear of [redacted] vehicle, fired their service side arms, which apparently contained 9mm bullets, into the trunk of that car. These SFPD officers appeared to lack fear of being assaulted by firearms as they did not take any defensive positions relative to the trunk of the subject vehicle. Of about 99

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to 100 bullets fired by the SFPD, 24 apparently hit decedent's body, of which 6 were fatally implanted into his head, chest, heart and lungs. The San Francisco Medical Examiner issued a report a few months later, which included forensic descriptions of those 24 SFPD bullets, but also a smaller 5mm sized bullet that went into decedent's right leg and up through his right thigh, described as a non-fatal shot. In light of the bean bag shot by the SFPD officer, the conflicting SFPD commands, defendants clearly did not follow the guidelines under DGO 5.01 use of force policy of Defendant CCSF. The subject ten SFPD officers placed themselves about nine yards away from the trunk or rear of subject Honda automobile, standing without cover, which indicated a clear violation of guideline training and standard procedure in violation of DGO 5.01 policy of CCSF, putting themselves at risk, and causing the unnecessary use of excessive force since in effect they escalated the risk of harm rather than de-escalate as otherwise required by CCSF policies and rules.

13. Subject defendants failed to follow safety precautions contained in the above-mentioned DGO 5.01 that required de-escalation of the subject stressful incident on the evening of March 6, 2018.

14. Decedent was later taken out o[redacted]ar trunk, found dead at the scene, taken by ambulance to San Francisco General Hospital. [redacted] was also found asleep, taken out of Victor's car along with her dog, both unharmed by the volley of 99 to 100 bullets from the service guns of subject ten SFPD officers.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. Plaintiffs are required to comply with an administrative tort claim requirement under California law. Plaintiffs filed claims against the City and County of San Francisco on August 28, 2018. The claims were denied on September 21, 2018. Accordingly, Plaintiffs have exhausted all administrative remedies pursuant to California Government Code Section 910.

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FIRST CAUSE OF ACTION
(42 U.S.C. § 1983)
(Violation of Plaintiffs' 14th Amendment Rights/Rights to Familial Relationship)
(Plaintiffs against Defendants STEPHEN CASSINELLI, CORBYN CARROLL, LOREN CHIU, JOHN ISHIDA, JUAN GUSTILO, NICHOLAS NAGAI, SEAN O'ROURKE, COLBY SMETS, ARI SMITH-RUSSACK, JOSHUA TUPPER, and DOES 1-25)

16. Plaintiffs incorporate paragraphs 1-15 above as though fully set forth herein.

17. Plaintiffs had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive them of life, liberty, or property in such a manner as to shock the conscience, including, but not limited to, unwarranted state interference in Plaintiffs' familial relationship with their son, the Decedent.

18. As a result of the excessive force used by Defendants, Decedent died. Plaintiffs were thereby deprived of their constitutional right of familial relationship with Decedent.

19. Defendants, acting under color of state law, thus violated the Fourteenth Amendment rights of Plaintiffs to be free from unwarranted interference with their familial relations with Decedent.

20. As a direct and proximate cause of the acts of Defendants, Plaintiffs suffered extreme and severe mental anguish and pain and has been injured in mind and body. Plaintiffs have also been deprived of the life-long love, society, companionship, comfort, protection, support, affection, care, sustenance, moral and financial support from Decedent, and will continue to be so deprived for the remainder of their natural lives.

21. As a result of the conduct of Defendants, they are liable for Decedent's injuries, either because they were integral participants in the denial of due process, or because they failed to intervene to prevent these violations.

22. The conduct of Defendants was willful, wanton, malicious, and/or done with malicious disregard for the rights and safety of Decedent and Plaintiffs.

23. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to attorney's fees and/or costs pursuant

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to statute in the event they are the prevailing parties in this action pursuant to 42 USC § 1983 and 1988.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

SECOND CAUSE OF ACTION
(42 U.S.C. § 1983)
(Municipal Liability for Unconstitutional Custom or Policy (Monell))
(Plaintiffs against Defendant CITY AND COUNTY OF SAN FRANCISCO, and DOES 26-50)

24. Plaintiffs incorporate paragraphs 1-23 above as though fully set forth herein.

25. Plaintiffs are informed and believe, and therefore allege, that high ranking CCSF officials, including Defendant, and DOES 26-50, and/or each of them, knew and/or reasonably should have known that SFPD police officers are inadequately trained.

26. Despite having such notice, Plaintiffs are informed and believe, and therefore allege, that Defendant, and DOES 26-50, and/or each of them, approved, ratified, condoned, encouraged and/or tacitly authorized the employment of inadequately trained police officers.

27. Plaintiffs are informed and believe, and therefore allege, that high ranking CCSF officials, including Defendant, and DOES 26-50, and/or each of them, knew and/or reasonably should have known that SFPD supervisory and training staff fail to adequately supervise SFPF officers.

28. Despite having such notice, Plaintiffs are informed and believe, and therefore allege, that Defendant, and DOES 26-50, and/or each of them, approved, ratified, condoned, encouraged and/or tacitly authorized the failure to adequately supervise SFPD officers.

29. The injuries and damages to Decedent and Plaintiffs as alleged herein were the foreseeable and proximate result of said inadequate training and/or inadequate supervision of the individual defendants and DOE defendants in their capacities as police officers for CCSF.

30. Plaintiffs are informed and believe, and therefore allege, that the damages sustained as alleged herein were the direct and proximate result of municipal customs and/or policies of deliberate indifference in the training and supervision of the individual defendants and DOE defendants in their capacities as police officers for CCSF.

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31. The aforementioned failure to train and/or supervise the individual defendants and DOE defendants in their capacities as police officers for CCSF resulted in the deprivation of Decedent's and Plaintiffs' constitutional rights, including, but not limited to, violations of the Fourteenth Amendment, such as Decedent's right not to be deprived of life or liberty without due process of law, or the Plaintiffs' right to equal protections of the law.

32. By reason of the aforementioned acts and omissions of Defendants, Plaintiffs were cause to incur funeral and related burial expenses, as well as suffered the loss of love, companionship, affection, comfort, care, society, gifts and financial support from Decedent.

33. Accordingly, defendants are liable to Plaintiffs for compensatory damages under 42 USC § 1983.

34. The conduct of Defendants was willful, wanton, malicious, and/or done with malicious disregard for the rights and safety of Decedent and Plaintiffs.

35. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to attorney's fees and/or costs pursuant to statute in the event they are the prevailing parties in this action pursuant to 42 USC § 1983 and 1988.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

THIRD CAUSE OF ACTION
(C.C.P. Section 377.60 et seq.)
(Wrongful Death/Negligence)
(Plaintiffs against All Defendants)

36. Plaintiffs incorporate paragraphs 1-35 above as though fully set forth herein.

37. Plaintiffs bring this action pursuant to Pursuant to California Code of Civil Procedure Sections 377.60 and 377.61, California's wrongful death statute.

38. Defendants' negligent actions and/or negligent failure to act with the scope of their employment, including using excessive force, as set forth above, caused the death of Decedent.

39. As an actual and proximate result of the negligence of Defendants, and the death of Decedent, Plaintiffs have sustained economic damages consisting of: (1) the value of lost

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financial and other support from Decedent; (2) the value of gifts or benefits that the Decedent would have provided; (3) the value of funeral and burial expenses; and (4) the reasonable value of household service that the Decedent would have provided.

40. As an actual and proximate result of the negligence of Defendants, and the death of Decedent, Plaintiffs have also sustained non-economic damages consisting of loss of the Decedent's love, companionship, comfort, care, assistance, protection, affection, society, and moral support, in an amount to be proven at trial.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

JURY DEMAND

Plaintiffs hereby demand a jury trial in this action.

PRAYER

WHEREFORE, Plaintiffs prays for relief as follows:

A. For general damages in a sum to be determined according to proof;

B. For punitive damages in a sum to be determined;

C. For reasonable attorneys' fees under 42 U.S.C. § 1988;

D. For any and all statutory damages allowed by law;

E. For funeral and burial expenses according to proof;

F. For costs of suit incurred herein; and

G. For such other relief as the Court may deem just and proper.

Dated: February 28, 2018

Crisostomo G. Ibarra
Attorney for Plaintiffs
[redacted]

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JS-CAND 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS [redacted]

(b) County of Residence of First Listed Plaintiff San Francisco
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Crisostomo G. Ibarra, Ibarra Professional Law Corporation, 459 Fulton Street, Suite 109, San Francisco, CA 94102, (415) 398-5329

DEFENDANTS
See Attachment to Civil Cover Sheet

County of Residence of First Listed Defendant San Francisco
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment Of Veteran's Benefits
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury -Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury – Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities–Employment
- ☐ 446 Amer. w/Disabilities–Other
- ☐ 448 Education

PRISONER PETITIONS

HABEAS CORPUS
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

OTHER
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee– Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC § 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC § 158
- ☐ 423 Withdrawal 28 USC § 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent–Abbreviated New Drug Application
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS–Third Party 26 USC § 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC § 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced & Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation–Transfer
- ☐ 8 Multidistrict Litigation–Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
42 U.S.C. Section 1983
Brief description of cause:
Wrongful Death

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.
DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S), IF ANY *(See instructions):*
JUDGE
DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only)
☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

DATE MAR 11 2019
SIGNATURE OF ATTORNEY OF RECORD

SFDPA - 0097-18 - 000124

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."

II. Jurisdiction. The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

(1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.

(2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

(3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

(4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the six boxes.

(1) Original Proceedings. Cases originating in the United States district courts.

(2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.

(3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

(4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

(5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

(6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.

(8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.

Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

IX. Divisional Assignment. If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

Date and Attorney Signature. Date and sign the civil cover sheet.

ATTACHMENT TO CIVIL COVER SHEET

DEFENDANTS

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; STEPHEN CASSINELLI, individually and in his capacity as a police officer for the City of San Francisco; CORBYN CARROLL, individually and in his capacity as a police officer for the City of San Francisco; LOREN CHIU, individually and in his capacity as a police officer for the City of San Francisco; JOHN ISHIDA, individually and in his capacity as a police officer for the City of San Francisco; JUAN GUSTILO, individually and in his capacity as a police officer for the City of San Francisco; NICHOLAS NAGAI, individually and in his capacity as a police officer for the City of San Francisco; SEAN O'ROURKE, individually and in his capacity as a police officer for the City of San Francisco; COLBY SMETS, individually and in his capacity as a police officer for the City of San Francisco; ARI SMITH-RUSSACK, individually and in his capacity as a police officer for the City of San Francisco; JACK TUPPER, individually and in his capacity as a police officer for the City of San Francisco; and DOES 1-50, individually and in their official capacities as police officers for the City of San Francisco

SFDPA - 0097-18 - 000126

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Executive Director

March 22, 2018

[redacted]

Re: DPA Case No. 0097-18

Dear [redacted]

The Department of Police Accountability (DPA) is a civilian-staffed San Francisco agency. The mission of the DPA is to promptly, fairly and impartially investigate complaints of police misconduct or allegations that a member of the San Francisco Police Department has not properly performed a duty. We are investigating an incident you witnessed at [redacted] on March 6, 2018. I would like to speak with you about what happened and would appreciate it if you would call me at your earliest convenience.

You can reach me at (415) 241-7711 or candace.carpenter@sfgov.org. If I am not in the office when you call, please leave me a message with some good times to call you back and a contact phone number.

Thank you for your attention in this important matter.

Sincerely,

Candace Carpenter
Investigator

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Executive Director

March 22, 2018

[redacted]

Re: DPA Case No. 0097-18

Dear [redacted]:

The Department of Police Accountability (DPA) is a civilian-staffed San Francisco agency. The mission of the DPA is to promptly, fairly and impartially investigate complaints of police misconduct or allegations that a member of the San Francisco Police Department has not properly performed a duty. We are investigating an incident you witnessed at [redacted] on March 6, 2018. I would like to speak with you about what happened and would appreciate it if you would call me at your earliest convenience.

You can reach me at (415) 241-7711 or candace.carpenter@sfgov.org. If I am not in the office when you call, please leave me a message with some good times to call you back and a contact phone number.

Thank you for your attention in this important matter.

Sincerely,

Candace Carpenter
Investigator

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: [redacted]

[redacted]

LOCATION: [redacted]

DATE/TIME OF INCIDENT: 03/06/2018 22:53

OFFICER MAINTAINING LOG: OFFICER ANDALIZ

STAR: 1651

DATE/TIME LOG STARTED: 03/06/2018 22:54

RELIEF OFFICER: FOGARTY

STAR: 255

DATE/TIME: 3-7-2018 0152

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
22:53	DEQUIS, J.	Q2	INV	2430
22:53	ANDALIZ, M #1651	Q2	INV	0207
22:53	BANEGAS, M #963	Q2	INV	0207
22:53	ISHIDA, J	Q2	INV	2430
22:53	TUPPER, J	Q2	INV	2430
22:53	COSSINELLI, S.	Q2	INV	2430
22:53	O'ROURKE, S	Q2	INV	2430
22:53	ROMAN, B	Q2	INV	2430
22:53	KAISER, S	Q2	INV	0205
22:53	SANTANA, B	Q2	INV	2430
22:53	NAGAI, N	Q2	INV	2430
22:53	LOWNIE, A	Q2	INV	2430
22:53	ZAPANTA, J	Q2	INV	2430
22:53	WASSERMAN, D	Q2	INV	2430
22:53	DELGADO, N	Q2	INV	2430
22:53	CORNEJO, ANITA	Q2	INV	2430
22:53	LEE, N	Q2	INV	2430
22:53	ZHAN, B	Q2	INV	2430
22:53	BOTHERUS, P	Q2	INV	2430
22:53	CIBOTTI, R.	Q2	INV	2430
22:53	SMITH, A	Q2	INV	2430
22:53	ROCHE, K	Q2	INV	0200
22:53	DELGADO	Q2	INV	2430
22:53	SMITS,	Q2	INV	2430
22:53	CUMMINGS, S	Q2	INV	2430
22:53	SHOCARS, M	Q50	INV	2430
22:53	CALDERA	Q50	INV	2430
22:53	PEREZ,	Q50	INV	2430

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: [redacted]

TYPE OF INCIDENT: [redacted]

LOCATION: [redacted]

DATE/TIME OF INCIDENT: 03/06/2018 22:53

OFFICER MAINTAINING LOG: OFC. ANDALUZ # | STAR: 1851 | DATE/TIME LOG STARTED: 03/06/2018 22:54

RELIEF OFFICER: FOGARTY | STAR: 255 | DATE/TIME: 3-7-2018 0152

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
22:54	CODY,	Q2	INV	0200
22:54	HALLIGAN, #182	Q2	INV	0339
22:54	BOCKNER #141	Q2	INV	
22:54	BANTA, R #	Q60	INV	0339
22:54	RUSSELL #1080	Q50	INV	
22:54	WINKOOP #6085	Q2	INV	
22:54	BOHANNON #4005	Q2	INV	
22:54	CAMBELL #1149	Q2	INV	
22:54	BARCENA	Q50	INV	
22:54	PEREM #474	Q2 CMOR	INV	0105
22:54	WILSON	Q2	INV	2340
22:54	HOBBS, PAUL ~~# 116475~~ L06498	PARAMEDIC	MEDICAL	
22:54	LUCCHESI, JONATHAN L06490	PARAMEDIC	MEDICAL	
22:54	CAVANAUGH, RL3 #40	PARAMEDIC	MEDICAL	
22:54	HOLDER # 1873		INV	
22:54	COLE #1268	Q50	INV	0339
22:55	ALIOSE	Q50	INV	1100
22:55	SILVERMAN	Q	INV	0020
22:56	IBURUTIA #112	Q50	INV	0039
22:57	HAYASHI # 111	DA OFFICE	INV	
22:57	BEARD #478	#2 Q2	INV	
22:57	ROACH #2485	Q2	INV	0339
0:40	CHIA	DA OFFICE	INV	0040
0:40	ALDEN, JOHN	DPA	INV	0126
0:40	LUM #2128	Q	INV	
0:40	MAUNDER, SARAH	DPA	INV	0048
0:40	BALDAZAR, ERICK	DPA	INV	0048
0:45	BIANUCH #479	Q HOMICIDE	INV	0603
0:57	MCELHERN #1124		INV	0105

SFDPA - 0097-18 - 000130

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: [redacted]

TYPE OF INCIDENT: [redacted]

LOCATION: [redacted]

DATE/TIME OF INCIDENT: 3/06/18 22:53

OFFICER MAINTAINING LOG: FOGARTY | STAR: 255 | DATE/TIME LOG STARTED: 3-7-2018 0152

RELIEF OFFICER: GREEN | STAR: 301 | DATE/TIME: 3/7/18 0700

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
0152	~~FRISK~~ FOGARTY #255	OFC.	INV	0700
0152	ZHAO #488	OFC.	INV	0700
0154	FRISK #715	OFC.	INV	0712
0154	TALLERICO #976	OFC.	INV	0712
0203	5L1 JUCO #4121	CSI	INV	1100
0210	5L24 KELLOGG #1009	CSI	INV	1100
0241	ZAHN #4303	OFC.	ESCORT RESIDENT HOME	0243
0325	TONY BRASS	POA ATTORNEY	INV	0345
0325	CHRIS SHEA	POA ATTORNEY	INV	0345
0325	GALLAGHER 1422	F126 FOR POA ESCORT POA ATTORNEY		0345
0325	CUMMINGS 2261	F126		0345
0328	SGT TARRES #597	IA	INV	0424
0335	LT BANTA 2251	CIB	INV	0410
0355	SGT CRUDO #1614	IA	INV	0424
0516	MCFERREN 123	ICSI ME	INV	0516
0516	POWNING 119	ME	INV	0556
2305	OSPITAL #991	OFC.	INV	0445
0627	SHANAHAN #1818 5L107	SGT.	INV	0637
0627	GAMBLE #1839 5L25	OFC.	INV	0637
0627	NIBUNGCO #2390 5L19	OFC.	INV	0637
0648	GREEN #301	OFC.	INV	1050
0648	MCCALL #377	OFC.	INV	1050
0704	SANTAN #4295	OFC.	INV	1050
0700	BUSALACCHI #2126	OFC.	INV	1050
0705	SYLVAN #4297	OFC.	INV	0826
0910	LT. WARD #1716	CIB	INV	0923
0910	BOTHBUS #254	IA	INV	1100 0923
0630	IVEY	IA	INV	1100
0630	VAIN	IA	INV	1100

SFPD 28(4/92)

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: [redacted]

TYPE OF INCIDENT: [redacted]

LOCATION: [redacted]

DATE/TIME OF INCIDENT: 03/06/2013 2253

OFFICER MAINTAINING LOG: GREEN #391

STAR: 391

DATE/TIME LOG STARTED: 03/06/2013 22:54

RELIEF OFFICER:

STAR:

DATE/TIME:

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
0715	GOMEZ #911	Q2	INV - CSI	0826
0715	O'NEIL #1360	Q2	INV - CSI	0826

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: [redacted]

TYPE OF INCIDENT: OIS

LOCATION: [redacted]

DATE/TIME OF INCIDENT: 3/6/18 / 2236

OFFICER MAINTAINING LOG: ROTSCH / STAR: 1514 / DATE/TIME LOG STARTED: 3/6/18 / 2305

RELIEF OFFICER: ZHAO / STAR: 488 / DATE/TIME: 3/7/2018 0200

TIME IN	NAME		POSITION/TITLE	REASON FOR ENTRY	TIME OUT
2305	BUTHERUS	#254	Q2	INVESTIGATION	0130
2305	ROTSCH	#1514	Q2	INVESTIGATION	0200
2305	CODY	#1375	Q2	"	0200
2313	WILSON	#672	Q2	"	2310
2314	SGT BYRNE	#4218	Q50	"	2316
2247	DELGADO	#2415	Q2	"	2310
2319	CALTAGIRONE	#872	Q80	"	2320
2345	GAMBOA	#1327	Q2	CSI	0645
2345	SIMPSON	#2137	Q2	CSI	0645
2345	BARR	#961	Q2	CSI	0645
2345	ORTIZ	#4169	Q2	CSI	0645
2358	WATTS	#1594	Q50	INVESTIGATION	0142
2358	CAGNEY	#341	Q50	"	0142
2358	WILSON	#672	Q2	"	0019
0003	FOLTZ (SGT.)	#1971	Q50	"	0019
0009	ALOISE (SGT.)	#1703	Q50	"	0019
0016	LT. YU	#2248	Q60	"	0142
2247	LT. BANTA	#2251	Q60	"	0019
0035	ISURUTA		DA (INV.)	"	0039
0040	CHA		DA (INV.)	"	0040
0042	HOLDER	#1673	Q50	"	0040
0045	LT. COX	#287	Q60	"	0048
0049	PAILET	#205	DA	"	0050
0053	MAJ. CMDR MCEACHERN	#1124	CMDR	"	0105
0058	CHIEF SCOTT	#26	CHIEF	"	0101
0045	MAUNDER		DPA	"	0048
2319	CMDR PEREA	#474	CMDR	"	0105
0058	CHIEF REDMOND	#1757	CHIEF	"	0105

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: [redacted]

TYPE OF INCIDENT: OIS

LOCATION: [redacted]

DATE/TIME OF INCIDENT: 3/6/2018 2236

OFFICER MAINTAINING LOG: ZHAO — STAR: 488 — DATE/TIME LOG STARTED: 3/7/2018 0200

RELIEF OFFICER: MCCALL — STAR: 377 — DATE/TIME: 03/07/18 0700

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
0101	#429	Q80	INVESTIGATION	0101
0058	~~#167~~ #1667	Q80	INV	0101
0118	#485 DISCENZA	Q50	INV	0138
0118	#4216 LEVY	Q50	INV	0138
0145	BADV #479 (HOMICIDE)	Q50	INV	~~0150~~ 0603
0145	LT. YU	Q60	INV	0147
0145	#876	Q50	INV	0147
0150	#485 (CAPTAIN)	Q50	INV	0151
0152	LT. YU	Q60	INV	0155
0154	LT DEVLIN 336	Q60	INV	0633
0155	FRISK #715	Q2	INV	0712
0155	TAYLOR-LEE 976	Q2	INV	0712
2305	CODY	Q2	INV	0200
0200	ZHAO 488	3HIE	CRIME SCENE LOG	0700
0200	JUCO 4121	CSI 5LI	INV	~~0230~~ 1030
0243	ZAHN 4303	C12E	ESCORT RESIDENT	0244
	~~OSPITAL~~			
0200	KELLOG 1009	CSI	INV	~~0230~~ 1030
0316	FOGARTY #255	Q2	CRIME SCENE LOG	0700
0333	LT. BANTA #2251	LT	INV	0410
0402	CRUDO IAD #1694	SGT.	INV	0424
0402	TARRES #597 IAD	SGT.	INV	0424
0516	MCFARREN 123	IC81 ME	INV	0556
0516	POWNING 119	ME	INV	0556
2305	OSPITAL 991	Q2	INV	0445
0634	NIBUNCO 2390	5L19	INV	0637
0634	GAMBLE 1839	CSI	INV	0637
0634	SHANAHAN 1818	CSI	INV	0637
0700	MCCAIN 377	Q2	INV	1050

SFDPA - 0097-18 - 000134

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

INCIDENT NUMBER: [redacted]

TYPE OF INCIDENT: OIS

LOCATION: [redacted]

DATE/TIME OF INCIDENT: 03/06/19 · 2236

OFFICER MAINTAINING LOG: MCCAW

STAR: 377

DATE/TIME LOG STARTED: 03/07/19 0700

RELIEF OFFICER:

STAR:

DATE/TIME:

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
0700	GREEN 301	Q2	INV	1050
0630	IVEY 540	Q2	INV	1100
0630	VAING 919	Q2	INV	1100
0700	SANTAN 4295	Q2	INV	1050
0700	BUSALACCHI 2126	Q2	INV	1050
0715	GOMEZ 911	Q2	CSI	0826
0715	ONEIL 1360	Q2	CSI	0826
0905	SYRING 4297	Q2	CSI	0826
0910	LT. DAVID MURPHY 1716	Q60	INV	0920
0910	BUTHERUS 254	Q2	INV	0920

SIDEWALK

PARKED PARKED PARKED PARKED PARKED PARKED

E

W

S

N

NOT TO SCALE

CAPP STREET

PD

PD

PD

PD

PD

PD

S

PARKED PARKED PARKED PARKED PARKED

SIDEWALK

SGT. G. HOWARD
SFPD

SFDPA - 0097-18 - 000136

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE #: [redacted]

OFFENSE: O.I.S.	ARREST MADE ☒	REQ BY: BUTHERUS	STAR: 254	UNIT: 3J41E	DATE /TIME RECEIVED: 3/6/18 2317
					DATE / TIME REQUESTED: 3/6/18 ASAP
					N/R CARD LEFT ☐ DATE/TIME: /
COMPLAINANT: SFPD		PHONE: 415 987 3523			RUNDATE: 3/6/18 ARRIVAL TIME: 2340
LOCATION OF RUN: 600 BLOCK OF CAPP STREET					CSO / STAR: ORTIZ/4189 [redacted]
REMARKS / INSTRUCTIONS: RESIDENTIAL AREA					CSO / STAR: GAMBOA/1327

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☒ N/A ☐ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

PLEASE SEE C.S.I. REPORT.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☒ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ EVIDENCE INVENTORY (235E)
- ☒ VEHICLE PROCESSING REPORT (235F)
- ☒ CRIME SCENE REPORT / NOTES
- ☒ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000137

San Francisco Police
Crime Scene Investigations Unit
Scene Report

Case Number: [redacted] ***Location:*** **600 BLK. OF CAPP STREET**

Date: **03/06/18** ***Offense:*** ***O.I.S.*** ***Officer:*** **Ortiz #4189** [redacted]
Gamboa #1327
Barr #961
Simpson #2137

Purpose of Response:
On 3/6/18 at approximately 2317 hours I received a telephone notification from the San Francisco Police Department Operations Center (DOC) informing me that an Officer involved shooting (O.I.S.) incident had occurred at 600 block of Capp Street and a Crime Scene Investigation response was requested to process the scene. Officer Gamboa #1327, Officer Barr #961 and Officer Simpson #2137 from Crime Scene Investigations also responded to assist with processing the scene.

Scene Description:
The shooting incident occurred in front of [redacted] between 21st Street and 22nd Street. The area is mainly residential with several apartment buildings. Several vehicles were parked on both sides of Capp Street with traffic that flows in both Northbound and Southbound directions. Several marked S.F.P.D. vehicles were also in the crime scene.

Observations:
The incident reportedly occurred approximately at 2230 hours on Tuesday 03/06/18, late evening. We arrived on scene at 2340 hours on 03/06/18, during the hours of darkness. The main street area was lit by working street lights. The S.F.P.D. Command Van was on scene with spot lights illuminating the area from the North end of Capp Street and the San Francisco Fire Department engine #7 light truck was illuminating the area from the South end of Capp Street. The weather was overcast and cool with slight winds. The area around [redacted] was cordoned off with crime scene tape and secured by several police officers and several marked police vehicles.

SFPD case number: [redacted] R. [redacted] Tech review [redacted]

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Scene:
We arrived on scene and met with Lt. Banta #2251 and Officer Butherus #254 who walked us through the crime scene and pointed out the evidence which consisted of the following items; a black right hand glove, several casings, bullet fragments, bullets, several Officer's pistol magazines, the suspect's vehicle (black Honda 2 door Civic paper plates) and suspect's bloody firearm (located in trunk of suspects vehicle), an unfired cartridge, bean bags from an E.R.I.W. discharge and the deceased covered by a yellow sheet. Additionally a 9mm casing was located on the street directly behind the trunk area of the suspect's vehicle (markers #1 through #50).

There were several vehicles and apartment buildings on scene that had damage, along with several casings located in the interior of S.F.P.D. vehicle #067 CA exempt [redacted] (markers A through Z).

The suspect's vehicle was stopped in the street in front of [redacted] south bound (markers A1 through A12).

Apartment [redacted] also had property damage and fragments located in the unit (markers B1 and B2).

Officer Barr and I cordoned off the inner perimeter scene with RED crime scene tape and uniformed police officers were on the outer area of the crime scene.

Sgt. Cagney #341, Sgt. Watts #1594 and Sgt. Bandvik #479 from the Homicide unit arrived on scene and confirmed the evidence to be collected.

Lieutenant Devlin of Crime Scene Investigations also arrived on scene and kept the inner perimeter scene secured.

Evidence Collected
Officer Gamboa and Officer Simpson numbered all the evidence on scene. Officer Barr took photos of the scene using a Nikon digital camera and videotaped the scene using a Sony video recorder.

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Officer Kellogg #1009 and Officer Juco #4121 from Crime Scene Investigations also arrived on scene to diagram the scene with Leica Digital Scanner and Leica Total Station System.

Lt. Devlin, Officer Gamboa and Officer Simpson responded to Mission station to take photos of the involved officers and collected their department issued firearms and department issued body worn cameras. Lt. Devlin docked the body worn cameras at the C.S.I. office.

After the scene was processed by photographing and videotaping, further evidence was located. The evidence consisted of the following; several fragments, bullets, property damage and a gun magazine. All of these items were located in the areas of [redacted] All of these items were also photographed and videotaped by Officer Barr.

Medical Examiners Inspector Macferren #123 and Inspector Powning #119 arrived on scene and took custody of the deceased, his wallet and miscellaneous papers and cards. Insp. Powning gave me a Medical Examiner's property receipt.

Sgt. Bandvik #479 from the Homicide unit collected the suspect's cell phone and U.S. currency. This was all photographed and videotaped on scene.

At the request of Sgt. Bandvik, Officer Gamboa collected Officer Frisk #715 and Officer Tallerico #976 department issued body worn cameras. These cameras were docked at the C.S.I. office by Officer Simpson.

Officer Gamboa, Officer Barr, Officer Simpson and I collected all of the above mentioned evidence at the scene.

Officer Barr downloaded the photographic data to the Digital Storage system. The memory card containing the video data was transferred to the Photographic Unit for storage.

The collected physical evidence was examined at the Hall of Justice, photographed, packaged and subsequently transferred to the Property Control Division where it was held for possible future examination.

End

SFPD case number: [redacted] R. Ortiz [redacted] Tech review [redacted]

SFDPA - 0097-18 - 000140

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 1 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	BLACK "5.11" RIGHT GLOVE	MARKER # 1@ SCENE	2137	B	N/A	-	3/10/18
2	(1) WIN 40 S&W CASING	MARKER #2 @ SCENE	2137	B	N/A	-	3/10/18
3	(1) WIN 40 S&W CASING	MARKER #3 @ SCENE	2137	B	N/A	-	3/10/18
4	(1) FEDERAL 40 S&W CASING	MARKER #4 @ SCENE	2137	B	N/A	-	3/10/18
5	(1) WIN 40 S&W CASING	MARKER #5 @ SCENE	2137	B	N/A	-	3/10/18
6	(3) WIN 40 S&W CASINGS	MARKER #6 @ SCENE	2137	B	N/A	-	3/10/18
7	(10) FEDERAL 40 S&W CASINGS	MARKER #6 @ SCENE	2137	B	N/A	-	3/10/18
8	(2) FEDERAL 40 S&W CASINGS	MARKER #7 @ SCENE	2137	B	N/A	-	3/10/18
9	(2) WIN 40 S&W CASINGS	MARKER #7 @ SCENE	2137	B	N/A	-	3/10/18
10	(2) WIN 40 S&W CASINGS	MARKER #8 @ SCENE	2137	B	N/A	-	3/10/18
11	(1) FEDERAL 40 S&W CASING	MARKER #9 @ SCENE	2137	B	N/A	-	3/10/18
12	(1) WIN 40 S&W CASING	MARKER #9 @ SCENE	2137	B	N/A	-	3/10/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000141

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 2 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
13	(1) FEDERAL 40 S&W CASING	MARKER # 10 @ SCENE	2137	B	N/A	-	3/10/18
14	(2) WIN 40 S&W CASINGS	MARKER #10 @ SCENE	2137	B	N/A	-	3/10/18
15	(4) WIN 40 S&W CASINGS	MARKER #11 @ SCENE	2137	B	N/A	-	3/10/18
16	(3) FEDERAL 40 S&W CASINGS	MARKER #11 @ SCENE	2137	B	N/A	-	3/10/18
17	(1) WIN 40 S&W CASING	MARKER #12 @ SCENE	2137	B	N/A	-	3/10/18
18	(1) WIN 40 S&W CASINGS	MARKER #13 @ SCENE	2137	B	N/A	-	3/10/18
19	(2) WINCHESTER 223 REM CASINGS	MARKER #14 @ SCENE	2137	B	N/A	-	3/10/18
20	(2) WINCHESTER 223 REM CASINGS	MARKER #15 @ SCENE	2137	B	N/A	-	3/10/18
21	(1) WIN 40 S&W CASINGS	MARKER #15 @ SCENE	2137	B	N/A	-	3/10/18
22	(1) WINCHESTER 223 REM CASING	MARKER #16 @ SCENE	2137	B	N/A	-	3/10/18
23	(1) WIN 40 S&W CASING	MARKER #17 @ SCENE	2137	B	N/A	-	3/10/18
24	(1) BULLET	MARKER #17 @ SCENE	2137	B	N/A	-	3/10/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000142

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 3 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
25	(5) FEDERAL 40 S&W CASINGS	MARKER # 18 @ SCENE	2137	B	N/A	-	3/10/18
26	(4) WIN 40 S&W CASINGS	MARKER #18 @ SCENE	2137	B	N/A	-	3/10/18
27	(1) CTS 12 "SUPER SOCK" CASING	MARKER #18 @ SCENE	2137	B	N/A	-	3/10/18
28	(1) SIG SAUER P226 MAGAZINE	MARKER #19 @ SCENE	2137	B	N/A	-	3/10/18
29	(1) FEDERAL 40 S&W CASING	MARKER #20 @ SCENE	2137	B	N/A	-	3/10/18
30	(1) COPPER JACKET FRAGMENT	MARKER #20 @ SCENE	2137	B	N/A	-	3/10/18
31	(1) SIG SAUER P226 MAGAZINE	MARKER #21 @ SCENE	2137	B	N/A	-	3/10/18
32	(1) SIG SAUER P226 MAGAZINE	MARKER #22 @ SCENE	2137	B	N/A	-	3/10/18
33	(1) WIN 40 S&W CASING	MARKER #23 @ SCENE	2137	B	N/A	-	3/10/18
34	(1) WIN 40 S&W CASING	MARKER #24 @ SCENE	2137	B	N/A	-	3/10/18
35	(1) SILVER JACKET FRAGMENT	MARKER #25 @ SCENE	2137	B	N/A	-	3/10/18
36	(1) 9MM LUGER WINCHESTER CASING	MARKER #26 @ SCENE	2137	B	N/A	-	3/07/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000143

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 4 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
37	(1) BEAN BAG FROM E.R.I.W.	MARKER # 27 @ SCENE	2137	B	N/A	-	3/10/18
38	(1) BULLET	MARKER #27 @ SCENE	2137	B	N/A	-	3/10/18
39	(1) TAURUS MILLENNIUM TVG30029 PISTOL	MARKER #28 @ SCENE	2137	B	N/A	-	3/07/18
40	(2) BULLETS	MARKER #28 @ SCENE	2137	B	N/A	-	3/10/18
41	(1)BULLET	MARKER #29 @ SCENE	2137	B	N/A	-	3/10/18
42	(1) BLACK POCKET KNIFE	MARKER #29 @ SCENE	2137	B	N/A	-	3/10/18
43	(1) FRAGMENT	MARKER #30 @ SCENE	2137	B	N/A	-	3/10/18
44	(1) BULLET	MARKER #31 @ SCENE	2137	B	N/A	-	3/10/18
45	(1) COPPER JACKET	MARKER #32 @ SCENE	2137	B	N/A	-	3/10/18
46	(1) BULLET	MARKER #33 @ SCENE	2137	B	N/A	-	3/10/18
47	(1) BULLET	MARKER #34 @ SCENE	2137	B	N/A	-	3/10/18
48	(1) COPPER JACKET FRAGMENT	MARKER #35 @ SCENE	2137	B	N/A	-	3/10/18

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CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000144

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 5 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
49	(2) COPPER JACKET FRAGMENT	MARKER # 36 @ SCENE	2137	B	N/A	-	3/10/18
50	(1) BULLET FRAGMENT	MARKER #37 @ SCENE	2137	B	N/A	-	3/10/18
51	(1) COPPER JACKET FRAGMENT	MARKER #38 @ SCENE	2137	B	N/A	-	3/10/18
52	(1) WINCHESTER 223 REM CASING	MARKER #39 @ SCENE	2137	B	N/A	-	3/10/18
53	(1) WINCHESTER 223 REM CASING	MARKER #40 @ SCENE	2137	B	N/A	-	3/10/18
54	(1) FEDERAL 40 S&W CASING	MARKER #40 @ SCENE	2137	B	N/A	-	3/10/18
55	(1) WINCHESTER 223 REM CASING	MARKER #41 @ SCENE	2137	B	N/A	-	3/10/18
56	(1) WIN 40 S&W CASING	MARKER #42 @ SCENE	2137	B	N/A	-	3/10/18
57	(2) WIN 40 S&W CASINGS	MARKER #43 @ SCENE	2137	B	N/A	-	3/10/18
58	(1) FEDERAL 40 S&W CASING	MARKER #44 @ SCENE	2137	B	N/A	-	3/10/18
59	(1) WIN 40 S&W CASING	MARKER #44 @ SCENE	2137	B	N/A	-	3/10/18
60	(1) WIN 40 S&W CASING	MARKER #45 @ SCENE	2137	B	N/A	-	3/10/18

PAGE 5 OF 8

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ	STAR: 4189	EVIDENCE PAGE 6 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
61	(1) FEDERAL 40 S&W CASING	MARKER # 45 @ SCENE	2137	B	N/A	-	3/10/18
62	(4) FEDERAL 40 S&W CASINGS	MARKER #46 @ SCENE	2137	B	N/A	-	3/10/18
63	(7) WIN 40 S&W CASINGS	MARKER #46 @ SCENE	2137	B	N/A	-	3/10/18
64	(2) WIN 40 S&W CASINGS	MARKER #47 @ SCENE	2137	B	N/A	-	3/10/18
65	(1) SIG SAUER P226 MAGAZINE	MARKER #48 @ SCENE	2137	B	N/A	-	3/10/18
66	(5) WIN 40 S&W CASINGS	MARKER #49 @ SCENE	2137	B	N/A	-	3/10/18
67	(6) WIN 40 S&W CASINGS	MARKER #50 @ SCENE	2137	B	N/A	-	3/10/18
68	(1) BULLET FROM LANDING	637A CAPP STREET	4189	B	N/A	-	3/10/18
69	(1) FRAGMENT FROM WINDOW SEAT	MARKER #B1 @ SCENE	4189	B	N/A	-	3/10/18
70	(1) COPPER JACKET FRAGMENT	MARKER #B2 @ SCENE	4189	B	N/A	-	3/10/18
71	(1) FEDERAL 40 S&W CASING	MARKER #R @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18
72	(1) FEDERAL 40 S&W CASING	MARKER #S @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18

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CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000146

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 7 OF 8
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
73	(1) FEDERAL 40 S&W CASING	MARKER #T @ SCENE IN SFPD VEH. # 067	2137	B	N/A	-	3/10/18
74	(1) FEDERAL 40 S&W CASING	MARKER #U @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18
75	(1) WIN 40 S&W CASING	MARKER #V @ SCENEIN SFPD VEH. #067	2137	B	N/A	-	3/10/18
76	(1) FEDERAL 40 S&W CASING	MARKER #W @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18
77	(1) SIG SAUER P226 MAG IN BLUE GLOVES	HOOD OF SFPD VEH. #124	2137	B	N/A	-	3/10/18
78	(1) BEAN BAG FROM E.R.I.W.	[redacted] SIDEWALK	2137	B	N/A	-	3/10/18
79	(1) BULLET ON GARAGE FLOOR	[redacted]	4189	B	N/A	-	3/10/18
80	(1) BULLET/ (1) C. J. FRAGMENT	I.F.O. 628 CAPP STREET GARAGE	2137	B	N/A	-	3/10/18
81	(1) BULLET	I.F.O. BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
82	(1) BULLET FRAGMENT	I.F.O. BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
83	(1) COPPER JACKET FRAGMENT	I.F.O. BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
84	(13) COPPER JACKET FRAGMENTS	REAR OF BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18

PAGE 7 OF 8

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000147

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 8 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
85	(5) BULLET FRAGMENTS	REAR OF BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
86	(1) BULLET	UNDER BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
87	(1) BULLET FRAGMENT	UNDER BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
88	(1) COPPER JACKET FRAGMENT	MARKER #A11 @ SCENE	2137	B	N/A	-	3/10/18
89	(1) BULLET	MARKER #A11 @ SCENE	2137	B	N/A	-	3/10/18
						-	
						-	
						-	
						-	
						-	
						-	
						-	

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000148

CASE [redacted]

OIS 600 Block of Capp Street

Measured by Ofc. Juco #4121

3D Laser Scanner

XY COORDINATES

EVIDENCE	X=South Curb Line of 21st Street	Y=West Curb Line of 22nd Street
E1	78'5"	21'9"
E2	98'2"	31'11"
E3	106'	25'1"
E4	110'3"	24'3"
E5	112'10"	24'6"
E6	118'4"	28'8"
E7	115'1"	33'3"
E8	117'7"	34'5"
E9	121'6"	32'6"
E10	117'9"	25'2"
E11	118'10"	22'3"
E12	114'3"	17'6"
E13	118'2"	13'2"
E14	117'9"	7'1"
E15	117'9"	11"
E16	124'12"	6'10"
E17	127'3"	13'5"
E18	122'	22'9"
E19	123'8"	24'11"
E20	126'8"	24'8"
E21	129'9"	21'1"
E22	128'11"	37'7"
E23	131'1"	32'11"
E24	132'10"	26'5"
E25	135'4"	35'1"
E26	145'10"	13'8"
E27	146'	14'9"
E28	Firearm located in trunk of [redacted]	
E29	143'6"	10'3"
E30	153'8"	15'2"
E31	152'11"	35'8"
E32	161'11"	31'4"
E33	170'	1"
E34	177'2"	6'5"
E35	177'5"	22'4"
E36	210'2"	25'11"
E37	222'3"	35'2"
E38	225'2"	14'10"
E39	125'4"	46'10"
E40	125'	43'

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E41	130'5"	46'3"
E42	92'10"	-8'
E43	97'8"	-8'2"
E44	95'4"	9"
E45	98'7"	3"
E46	103'6"	10"
E47	116'3"	-7'3"
E48	121'8"	0
E49	127'6"	-1'8"
E50	125'10"	-7'4"

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SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

CASE #: [redacted]

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/06/18	2345

LOCATION OF RUN: 600 BLOCK CAPP ST

CSO / STAR: SIMPSON/2137 [redacted]

REMARKS / INSTRUCTIONS

CSO / STAR: ORTIZ/4189 [redacted]

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: TAURUS	MODEL: MILLENNIUM	SERIAL #: [redacted]
CALIBER: 9MM	BARREL LENGTH: 3"	FINISH: BLK/SILV

NOTES: EVIDENCE MARKER #28 AT SCENE (TRUNK OF HONDA CIVIC)

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : TZZ 87 9MM-FMJ-BRASS VARIED ☐ :

NOTES: (9) ROUNDS INSIDE MAGAZINE, (1) ROUND CHAIMBERED

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☒ NO ☐ N/A ☐

WATER LOT#: 14G16 EXP. DATE: 07/18 **SWABS BOOKED: DATE: 03/08/18 BY# 2137**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☐ SAFETY ON? Y ☐ N ☒ N/A ☐

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

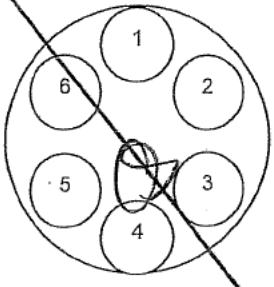
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
(10) ROUNDS- TZZ 87 9MM-FMJ-BRASS. (1) EMPTY MAGAZINE (10 ROUND CAPACITY)

PISTOL SWABBED BY OFC BARR #961.

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 9

TOTAL CARTRIDGES: 10

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

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CITY & COUNTY OF SAN FRANCISCO

MEDICAL EXAMINER'S PROPERTY RECEIPT

1 NEWHALL STREET • SAN FRANCISCO, CA • 94124 • (415) 641-3600

DATE	TIME A.M.	TIME P.M.	CASE NO.
3/7/18			[redacted]

THIS IS TO CERTIFY THAT I HAVE THIS DAY MADE A CAREFUL SEARCH OF THE CLOTHING AND THE PREMISES.

of Doe #32 John Deceased

at 600 Block of Capp St

AND HAVE TAKEN POSSESSION OF THE PROPERTY DESCRIBED BELOW

Currency $ 0 Coin $ 0 Total $ 0

Jewelry 1-Wallet NSC C49

Will _____ Bank Book _____

Discharge Papers _____ Ins. Papers _____

OTHER EFFECTS: STOCKS-BONDS-PAWN TICKETS-LODGE REC.-ETC.

1-GSR Kit RAL Mco Seal #
1-Hand Bag Kit 158816

Clothing AS FOUND

[redacted] 163

Medical Examiner's Investigator Star

DO NOT SIGN THIS UNLESS YOU HAVE ACTUALLY WITNESSED THE SEARCH

Witness X _____

Address _____

Witness X _____

Address _____

Evidence or information indicating previous search _____ YES OR NO

By whom apparently made _____ Detail on Reverse Side

2018 - 0032

2018

Repro-011

White: Medical Examiner • Yellow: Police (attach to Police report) • Pink: Witness

SFDPA - 0097-18 - 000152

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

DATE /TIME RECEIVED

DATE / TIME REQUESTED

OFFENSE: OIS	ARREST MADE ☐	REQ BY BUTHERUS	STAR 254	UNIT 3J41e	N/R CARD LEFT ☐	DATE/TIME /
COMPLAINANT SFPD		PHONE na			RUNDATE 030718	ARRIVAL TIME 0715
LOCATION OF RUN 600 Block of Capp St.					CSO / STAR GOMES/911 [redacted]	
REMARKS / INSTRUCTIONS In front of 600/602					CSO / STAR O'NEILL/1360	

CASE # [redacted]

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☐ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

Observed one metal fragment on the street in front of 600/602 Capp Street.

The ~~positen~~ position of the item was manually measured (Leica laser) and the measurements provided to Juco/4121 for addition to the drawing. The item was collected and booked on 030718 and availible for future examination. Officer O'Neill photographed the item in place at the scene prior to collection. The item apppeared to be the copper jacket portion of a projectile.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☒ EVIDENCE INVENTORY (235E)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000153

INCIDENT NUMBER: [redacted]	
LOCATION: 600 block of Capp Street	DATE: 030718
C.S.I.: Gomes	STAR: 911

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	metal fragment	on street IFO 600/602	911	b	na	na	030718

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0097-18 - 000154

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]

OFFENSE: OIS	ARREST MADE ☒	REQ BY: SGT. CHORLEY	STAR: 270	UNIT: 187	DATE /TIME RECEIVED: 3/8/18 1100
COMPLAINANT: SFPD		PHONE: UNK			DATE / TIME REQUESTED:
LOCATION OF RUN: 850 BRYANT ST (CSI)					N/R CARD LEFT ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS:					RUNDATE: 3/8/18 ARRIVAL TIME: 1100
					CSO / STAR: R. CHECK/1974
					CSO / STAR:

PHOTOS: NO ☒ BY C.S.I. ☐ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

SGT. CHORLEY #270 HAND DELIVERED ONE BLACK SWEATSHIRT TO BE PHOTOGRAPHED AND BOOKED.

I SEIZED SAID SWEATSHIRT AND TOOK PHOTOGRAPHS OF IT IN OUR CSI EVIDENCE PROCESSING ROOM

THERE WAS A PERFORATING HOLE IN THE BACK LEFT UPPER ARM THAT I TOOK PHOTOS OF WITH AND

WITHOUT MEASUREMENT. THE HOLE WAS APPROXIMATELY 1.5 INCHES IN LENGTH AND 3/4 OF AN INCH

WIDE. THE SWEATSHIRT WAS SUBSEQUENTLY BOOKED INTO PROPERTY.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☒ EVIDENCE INVENTORY (235E)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ X & Y COORDINATES
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE DIAGRAM
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000155

INCIDENT NUMBER: [redacted]	
LOCATION: CSI IMPOUND ROOM	DATE: 3/8/18
C.S.I.: R. CHECK	STAR: 1974

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	BLACK RALPH LAUREN SWEATSHIRT	CSI/850 BRYANT ST ROOM #419	270	B	NA	-	3/8/18
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000156

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]	OFFENSE: OIS	ARREST MADE ☐	REQ BY PARKER	STAR 462	UNIT 5H9
	COMPLAINANT SFPD		PHONE		
	LOCATION OF RUN CO D				
	REMARKS / INSTRUCTIONS				

DATE /TIME RECEIVED	03/09/18 1520
DATE / TIME REQUESTED	0309/18/ ASAP
N/R ☐ CARD LEFT	DATE/TIME /
RUNDATE	ARRIVAL TIME
03/09/18	1650
CSO / STAR	RALLIS 238 [redacted]
CSO / STAR	CRANNA 177

PHOTOS: NO ☒ BY C.S.I. ☐ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

Request to pick up body worn camera at CO D from Ofc. Bohannon. Camera picked up and docked at CSI for video uploading.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ EVIDENCE INVENTORY (235E)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ X & Y COORDINATES
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE DIAGRAM
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000157

COPY

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]

OFFENSE: OIS	ARREST MADE ☐	REQ BY WARNKE	STAR 1397	UNIT 5H	DATE /TIME RECEIVED DATE / TIME REQUESTED N/R ☐ CARD LEFT ☐ DATE/TIME /
COMPLAINANT SFPD		PHONE 415.601.8100			RUNDATE 03/12/18 ARRIVAL TIME 1735
LOCATION OF RUN [redacted]					CSO / STAR GAMBOA/1327, ORTIZ/4189
REMARKS / INSTRUCTIONS REQUEST TO RETRIEVE BULLET FROM WALL					CSO / STAR CRANNA/177, SIMSPON/2137

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☐ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

Officer Cranna photographed the area and retrieved the bullet from the wall.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ EVIDENCE INVENTORY (235E)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000158

INCIDENT NUMBER: [redacted]	
LOCATION: [redacted]	DATE: 03/12/18
C.S.I.: GAMBOA	STAR: 1327

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	One bullet	Lower part of wall of garage	177	B	N/A	N/A	03/12/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0097-18 - 000159

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]	OFFENSE: OIS	ARREST MADE ☒	REQ BY HOMICIDE		5H
	COMPLAINANT SFPD		PHONE		
	LOCATION OF RUN MISSION STATION				
	REMARKS / INSTRUCTIONS PHOTOGRAPH OFFICERS, COLLECT FIREARMS AND BWC.				

DATE /TIME RECEIVED	03/06/18 2317
DATE / TIME REQUESTED	03/06/18 2345
N/R CARD LEFT ☐	DATE/TIME /
RUNDATE	ARRIVAL TIME
03/07/18	0300
CSO / STAR	SIMPSON/2137 [redacted]
CSO / STAR	GAMBOA/1327

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date)

COMMENTS/ NOTES/ P.O.E.

ON 03/07/18 AT APPROXIMATELY 0300 HOURS OFC GAMBOA #1327 AND I RESPONDED TO MISSION STATION IN REGARDS TO SFPD INCIDENT # [redacted] OUR DUTIES INCLUDED PHOTOGRAPHING THE INVOLVED OFFICERS, COLLECTING THEIR FIREARMS, MAGAZINES AND BODY WORN CAMERAS. OFC GAMBOA PHOTOGRAPHED SFPD OFFICERS #253, #987, #1306, #2017, #1469, #1104, #2214, #2035, #4115, AND #4132. I COLLECTED THE FIREARMS AND MAGAZINES USED BY THE ABOVE LISTED OFFICERS INCLUDING (8) EIGHT SIG SAUER P226 PISTOLS, (2) TWO COLT M4 CARBINE RIFLES AND (1) ONE ERIW (CO D#11). I ALSO COLLECTED THE ABOVE OFFICER'S BODY WORN CAMERAS AND LT. DEVLIN # 396 TOOK CONTROL OF THEM AT MISSION STATION AND TRANSPORTED THEM BACK TO THE CSI BWC DOCKING STATION. I TRANSPORTED ALL OF THE FIREARMS AND MAGAZINES BACK TO THE CSI IMPOUND ROOM AND SECURED THEM IN THE FIREARMS LOCKER. SEE CSI FIREARM REPORTS FOR COMPLETE FIREARM RELATED DETAILS.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ EVIDENCE INVENTORY (235E)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE REPORT /.NOTES
- ☐ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFDPA - 0097-18 - 000160

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

DATE /TIME RECEIVED

DATE / TIME REQUESTED

CASE # [redacted]

OFFENSE: OIS	ARREST MADE ☐	REQ BY CSI	STAR	UNIT	N/R CARD LEFT ☐	DATE/TIME /
COMPLAINANT SFPD		PHONE			RUNDATE 04/06/18	ARRIVAL TIME 1100
LOCATION OF RUN 450 7th Street CSI vehicle impound					CSO / STAR OCONNOR # 336	[redacted]
REMARKS / INSTRUCTIONS O'Neill # 1360, Syring # 4297					CSO / STAR GOMES # 911	

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.
see narrative on page 3

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☒ EVIDENCE INVENTORY (235E)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ X & Y COORDINATES
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE DIAGRAM
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000161

SAN FRANCISCO POLICE DEPARTMENT

VEHICLE PROCESSING REPORT

CASE NUMBER: [redacted]	TYPE OF INCIDENT / DETAIL REQUESTING	REQ. BY	STAR	UNIT
	OIS/Homicide	Sgt. Watts	1594	5H21
	LOCATION: CSI Auto Lot/450 7th Street	VEHICLE INSIDE ☐ VEHICLE OUTSIDE ☒		
	C.S.I. RESPONSE BY: Ofc. Juco [redacted]	STAR: 4121	DATE: 3/18/18	TIME: 0943
		VEHICLE LOCKED Y ☐ N ☒ KEYS INSIDE Y ☒ N ☐		

VEHICLE LICENSE:	YEAR	MAKE	MODEL	COLOR	VIN
[redacted]	2017	Honda	Civic	Black	[redacted]

REQUESTED PROCESSING:

☒ PHOTOS ☒ LATENTS ☐ EVIDENCE RECOVERY ☒ DNA ☐ GSR ☐ TRAJECTORY ☐ OTHER

COMMENTS/ NOTES:

Overall photos of vehicle taken and completed. Processed all areas mentioned in search warrant for latent prints with negative results. Sample swabs were taken of blood located inside the trunk area of the vehicle. These sample swabs were collected, preserved and booked into the property control division for future lab analysis. A cellphone was located on the driver seat and subsequently booked for future data download.

[redacted]

LATENT PRINT RECOVERY SUMMARY: N/A ☐

FROM VEHICLE: NO ☒ YES ☐ # OF LATENT CARDS: FROM EVIDENCE: NO ☐ YES ☐ # OF LATENT CARDS:

VEHICLE EVIDENCE INVENTORY *(IF ITEMS ARE TO BE PROCESSED, USE SFPD 235E FORM)*

ITEM #	DESCRIPTION	LOCATION FOUND	235E (Y/N)
1	Cellphone	Driver seat	Y ☐ N ☒
2	Two Sample Swabs	Bloodstain in trunk	Y ☐ N ☒
3	Two Water Controls	Lot 38B16 expires 2/18	Y ☐ N ☒
			Y ☐ N ☐
	[redacted]		Y ☐ N ☐
	INVENTORY CONTINUED ON ADDITIONAL 235E FORM?		Y ☐ N ☐

SFPD 235F (01/10)

SFDPA - 0097-18 - 000162

CRIME SCENE INVESTIGATIONS VEHICLE PROCESSING REQUEST

Case #	Date:	Time:
[redacted]	3/10/18	1600
Request by:	Unit & Phone Number	Officer-in-Charge

Year	Make	Model	Color	License	Vin.
2017	Honda	Accord	Black	[redacted]	[redacted]

Please Process: Photo

Yes: ☒	No: ☐

Specify area of interest:
All areas, both interior, exterior and trunk

Please Process: Print

Yes: ☒	No: ☐

Specify area touched by suspect:
Driver's sterring wheel, drive rdoor handle, exterior of trunk where a person would open it

Items to be processed for prints

Please Process: Biological Evidence Recovery

Yes: ☒	No: ☐

Specify: Blood, Semen, or Saliva
Blood found in vehicle, specifically the trunk area

Please Process: Trace Evidence Recovery

Yes: ☐	No: ☐

Specify:

Other physical evidence to be collected

Yes: ☐	No: ☐

Specify:

Synopsis of Case:
Vehicle used in a 211/221 on Capp/21St. Victim's waived down passing SFPD patrol car, who initiated a felony stop, resulting in an OIS.

SAN FRANCISCO POLICE DEPARTMENT

VEHICLE PROCESSING REPORT

CASE NUMBER: [redacted]

TYPE OF INCIDENT / DETAIL REQUESTING	REQ. BY	STAR	UNIT
OIS	Watts	1594	5h21

LOCATION	VEHICLE INSIDE ☒	VEHICLE OUTSIDE ☐
VEHICLE IMPOUND		

C.S.I. RESPONSE BY	STAR	DATE	TIME	VEHICLE DIAGRAM ATTACHED
Gomes [redacted]	911	040818	1330	Y ☐ N ☒

VEHICLE LICENSE:	YEAR	MAKE	MODEL	COLOR	VIN
[redacted]	2017	Honda	CIVIC	BLACK	[redacted]

REQUESTED PROCESSING:

☒ PHOTOS ☐ LATENTS ☐ EVIDENCE RECOVERY ☐ DNA ☐ GSR ☐ TRAJECTORY ☐ OTHER

COMMENTS/ NOTES:

Photographs by O'Neill/1360. Bullets found during bullet path reconstruction process

The six bullets and one metal fragment were all in the trunk area. Two bullets were under the bag of dog food and two bullets were in the spare tire well. The items were booked on the same day.

[redacted]

LATENT PRINT RECOVERY SUMMARY: N/A ☐

FROM VEHICLE: NO ☐ YES ☐ # OF LATENT CARDS: FROM EVIDENCE: NO ☐ YES ☐ # OF LATENT CARDS:

VEHICLE EVIDENCE INVENTORY *(IF PROCESSED, SEE SFPD 235G FORM)*

ITEM #	DESCRIPTION	LOCATION FOUND	235G (Y/N)
1	6 fired bullets	trunk of above listed vehicle	Y ☐ N ☐
2	1 metal fragment	trunk of above llisted vehicle	Y ☐ N ☐
			Y ☐ N ☐
			Y ☐ N ☐
			Y ☐ N ☐

INVENTORY CONTINUED ON 235E? Y ☐ N ☐

SFPD 235F (05/08)

SFDPA - 0097-18 - 000164

INCIDENT NUMBER: [redacted]	
LOCATION: 450 7th Street CSI veh impound	DATE: 04/06/18
C.S.I.: OConnor [redacted]	STAR: # 336

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	Accu-trans impress SFPD lic [redacted]	bullet defects B and C	4297	B	ACC	N/A	04/06/18
		[redacted] #336					

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0097-18 - 000165

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE #: [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	N/R CARD LEFT: ☐ DATE/TIME: /
COMPLAINANT: SFPD		PHONE:			RUNDATE: 03/07/18 ARRIVAL TIME: 0300
LOCATION OF RUN: MISSION STATION					CSO / STAR: SIMPSON/2137 [redacted]
REMARKS / INSTRUCTIONS					CSO / STAR: ORTIZ/4189

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK
NOTES: SFPD OFFICER #253		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

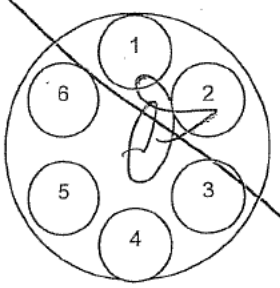
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL- (11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1 - (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE.

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **11**

TOTAL CARTRIDGES: **24**

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000166

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE #: [redacted]

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/07/18	0300

LOCATION OF RUN: MISSION STATION

REMARKS / INSTRUCTIONS

CSO / STAR: SIMPSON/2137 [redacted]

CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK

NOTES: SFPD OFFICER #987

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

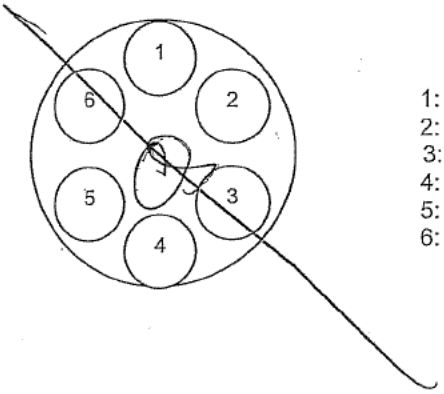
MAG IN WELL- (11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 11

TOTAL CARTRIDGES: 24

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000167

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS:					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: **SIG SAUER**	MODEL: **P226**	SERIAL #: [redacted]
CALIBER: **.40**	BARREL LENGTH: **4.5"**	FINISH: **BLK**
NOTES: SFPD OFFICER #1306		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : **WIN 40 S&W-JHP-STEEL** VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

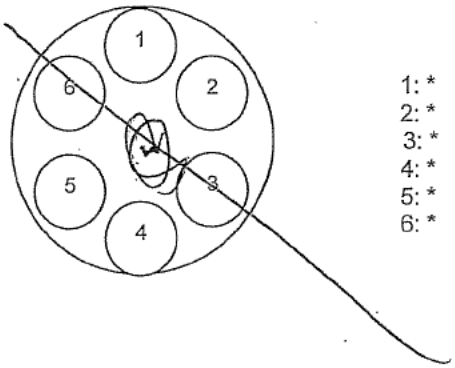
MAG IN WELL-(1) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- (12) WIN 40 S&W-JHP-STEEL ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **1**

TOTAL CARTRIDGES: **26**

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000168

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/07/18	0300

LOCATION OF RUN: MISSION STATION

REMARKS / INSTRUCTIONS:

CSO / STAR: SIMPSON/2137 [redacted]

CSO / STAR: ORTIZ/4189

CASE # [redacted]

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK

NOTES: SFPD OFFICER #2017

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

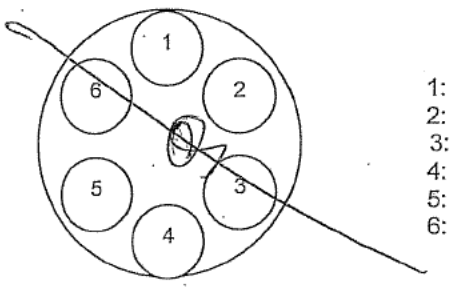
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(6) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- (12) WIN 40 S&W-JHP-STEEL ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 6

TOTAL CARTRIDGES: 31

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000169

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
					DATE / TIME REQUESTED: 03/06/18 ASAP
					N/R CARD LEFT: ☐ DATE/TIME: /
COMPLAINANT: SFPD		PHONE:			RUNDATE: 03/07/18 ARRIVAL TIME: 0300
LOCATION OF RUN: MISSION STATION					CSO / STAR: SIMPSON/2137 [redacted]
REMARKS / INSTRUCTIONS:					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK
NOTES: SFPD OFFICER #1469		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

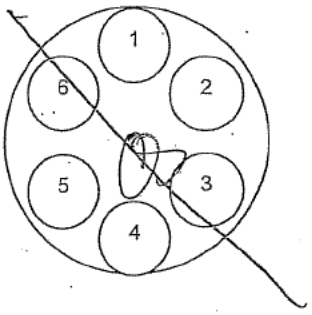
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(4) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- (12) WIN 40 S&W-JHP-STEEL ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 4

TOTAL CARTRIDGES: 29

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000170

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]	OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H
	COMPLAINANT: SFPD		PHONE:		
	LOCATION OF RUN: MISSION STATION				
	REMARKS / INSTRUCTIONS:				

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP
N/R CARD LEFT: ☐ DATE/TIME: /
RUNDATE: 03/07/18 ARRIVAL TIME: 0300
CSO / STAR: SIMPSON/2137 [redacted]
CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: **SIG SAUER**	MODEL: **P226**	SERIAL #: [redacted]
CALIBER: **.40**	BARREL LENGTH: **4.5"**	FINISH: **BLK**
NOTES: SFPD OFFICER #1104		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : **WIN 40 S&W-JHP-STEEL** VARIED ☐ :
NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐
WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

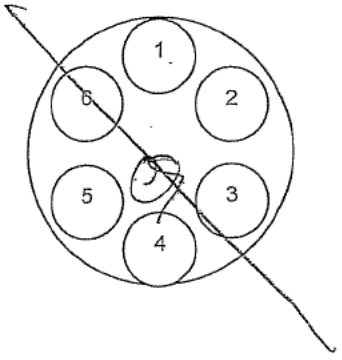
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1 - (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE.

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐
MAGAZINE: # OF CARTRIDGES: **11**
TOTAL CARTRIDGES: **24**

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000171

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]	OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H
	COMPLAINANT: SFPD		PHONE:		
	LOCATION OF RUN: MISSION STATION				
	REMARKS / INSTRUCTIONS:				

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP
N/R CARD LEFT: ☐ DATE/TIME: /
RUNDATE: 03/07/18 ARRIVAL TIME: 0300
CSO / STAR: SIMPSON/2137 [redacted]
CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK
NOTES: SFPD OFFICER #2214. OFFICER CARRIED 3 SPARE MAGAZINES		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

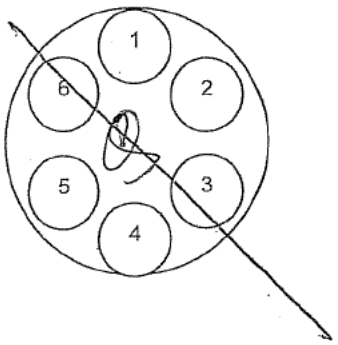
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(10) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1 - (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2 - (12) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 3- AT SCENE

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 11

TOTAL CARTRIDGES: 35

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000172

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT: ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK
NOTES: SFPD OFFICER #2035		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

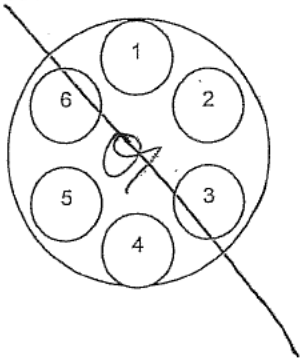
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL- (11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 11

TOTAL CARTRIDGES: 24

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000173

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT: ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☒ OTHER ☐

FIREARM

MAKE: COLT	MODEL: M4 CARBINE	SERIAL #: [redacted]
CALIBER: 5.56	BARREL LENGTH: 16"	FINISH: BLK
NOTES: SFPD OFFICER #4115. CO D RIFLE #11		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WINCHESTER .223 REM VARIED ☐ :

NOTES: ROUND FROM CHAIMBER AND MAGAZINE REMOVED PRIOR TO CSI.

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☐ N ☒ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☒ N ☐ N/A ☐

UNLOADED PRIOR TO CSI? Y ☒ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

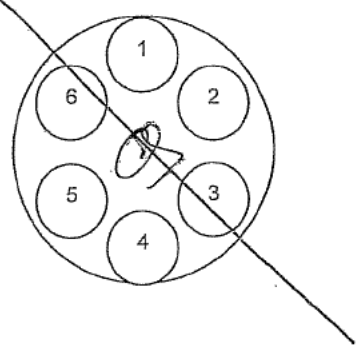
MAG REMOVED FROM WELL- (24) WINCHESTER .223-FMJ-BRASS ROUNDS. (1) ROUND REMOVED FROM CHAIMBER

SPARE MAG 1- (30) WINCHESTER .223-FMJ-BRASS ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☐ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 24

TOTAL CARTRIDGES: 55

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFDPA - 0097-18 - 000174

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT: ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☒ OTHER ☐

FIREARM

MAKE: COLT	MODEL: M4 CARBINE	SERIAL #: [redacted]
CALIBER: 5.56	BARREL LENGTH: 16"	FINISH: BLK
NOTES: SFPD OFFICER #4132. CO D RIFLE #16		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WINCHESTER .223 REM VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☐ N ☒ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☒ N ☐ N/A ☐

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

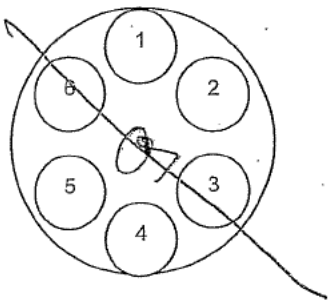
MAG IN WELL- (26) WINCHESTER .223-FMJ-BRASS ROUNDS.

SPARE MAG 1- (30) WINCHESTER .223-FMJ-BRASS ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 26

TOTAL CARTRIDGES: 57

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000175

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
					DATE / TIME REQUESTED: 03/06/18 ASAP
					N/R CARD LEFT: ☐ DATE/TIME: /
COMPLAINANT: SFPD		PHONE:			RUNDATE: 03/07/18 ARRIVAL TIME: 0300
LOCATION OF RUN: MISSION STATION					CSO / STAR: SIMPSON/2137 [redacted]
REMARKS / INSTRUCTIONS					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ OTHER ☐

FIREARM

MAKE: REMMINGTON	MODEL: 870 ERIW	SERIAL #: [redacted]
CALIBER: ERIW 12 GA	BARREL LENGTH: 18"	FINISH: BLK/ORNG
NOTES: SFPD OFFICER #2097. CO D ERIW #11		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : CTS 12 CTS 12 VARIED ☐ :

NOTES: SUPER SOCK

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☐ N ☐ N/A ☒ WEAPON COCKED? Y ☐ N ☐ SAFETY ON? Y ☒ N ☐ N/A ☐

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

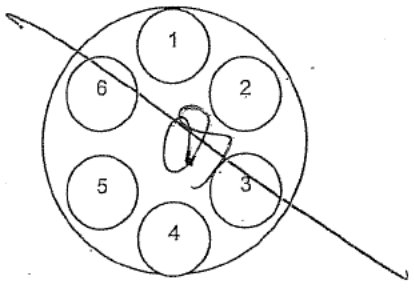
MAG TUBE- (1) CTS 12 CTS 12-SUPER SOCK- SHELL

SPARE ROUND SLEVE- (7) CTS 12 CTS 12-SUPER SOCK- SHELLS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☐ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 1

TOTAL CARTRIDGES: 8

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000176

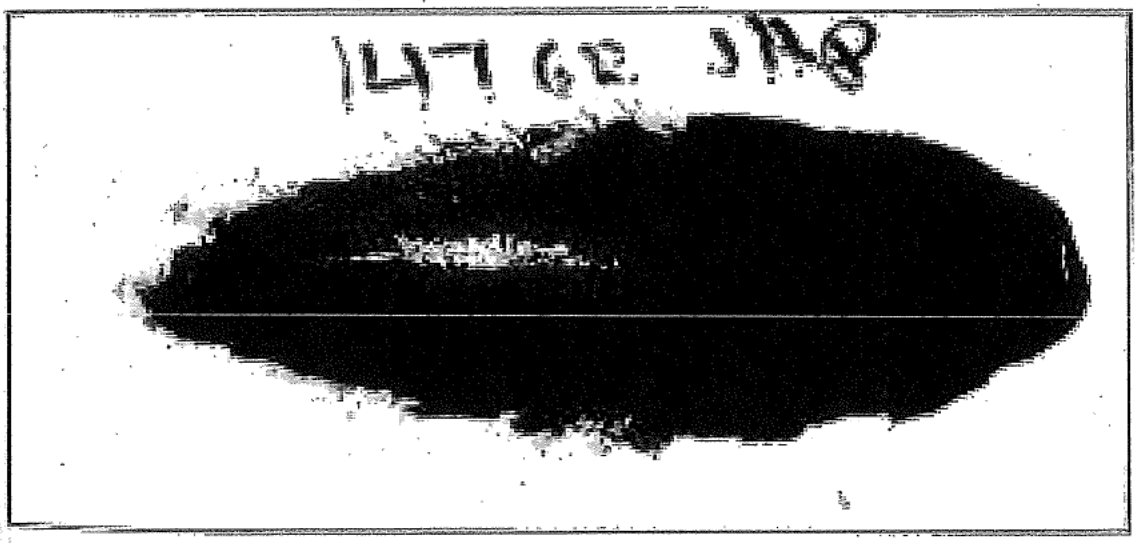
San Francisco Police Department
Crime Scene Investigations Unit
Scene Observations/Notes

Case Number: [redacted] **Location: 450 7th Street CSI Impound**

Date: 04/06/18 **Time: 1100** **Officer: OConnor # 336**

On 04/06/18 at approximately 1100 hours, I responded to the CSI vehicle impound lot (long term storage) at 450 7th Street, along with Officer Gomes # 911, Officer Syring # 4297 and Officer O'Neill # 1360 to inspect the bullet defects, in the hood of SFPD patrol vehicle lic # [redacted] The purpose of the inspection was to determine the directionality of the bullet path of two bullet ricochet defects marked "B" and "C".

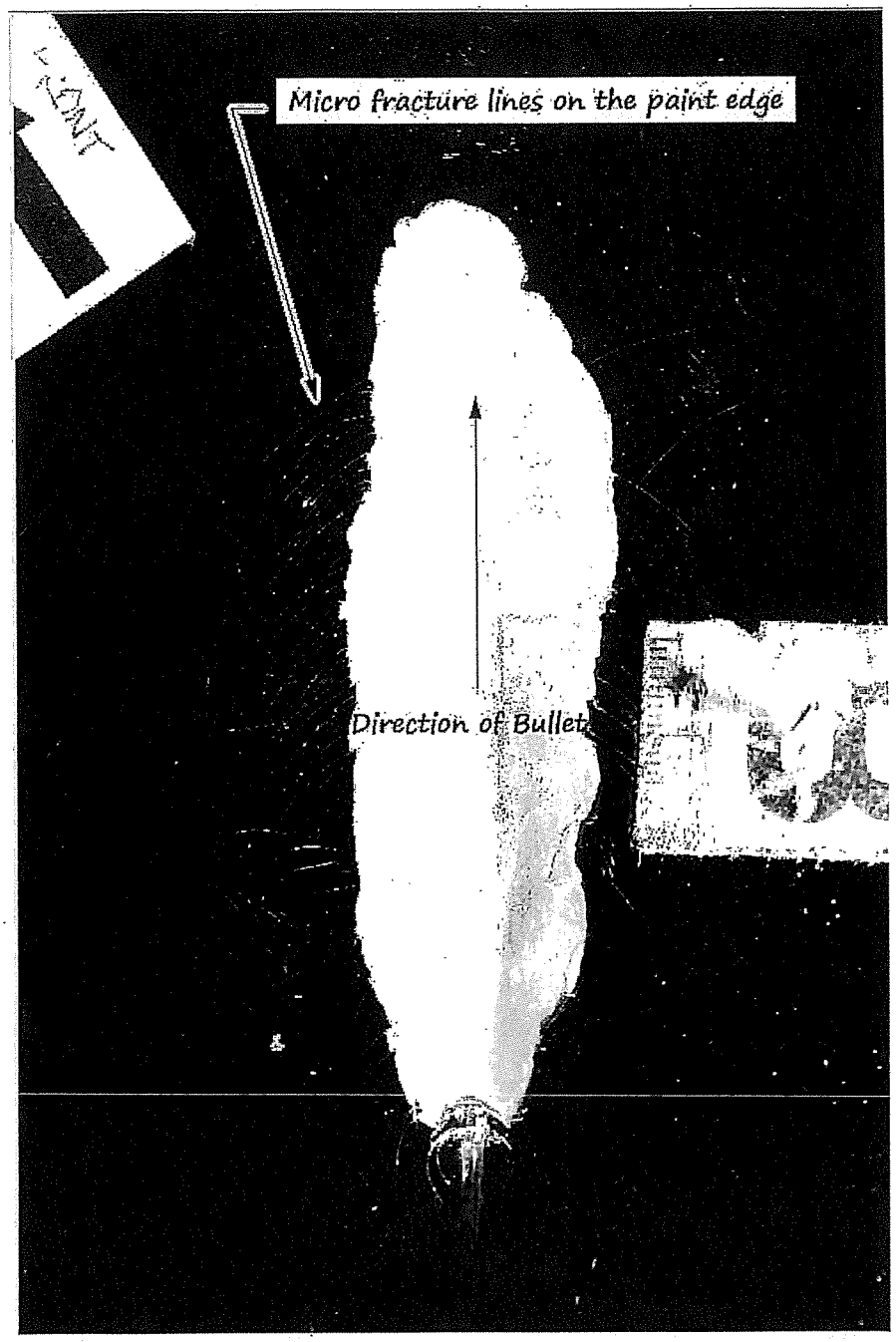
Officer O'Neill photographically documented the bullet defects. Officer Syring processed the defects with white magnetic powder to visually enhance the micro-fractures in the edges of the paint of the bullet ricochet defects. This processing revealed thin wave-like fractures in the paint, emanating from the defects and pointing in the direction of the bullet path. [1]



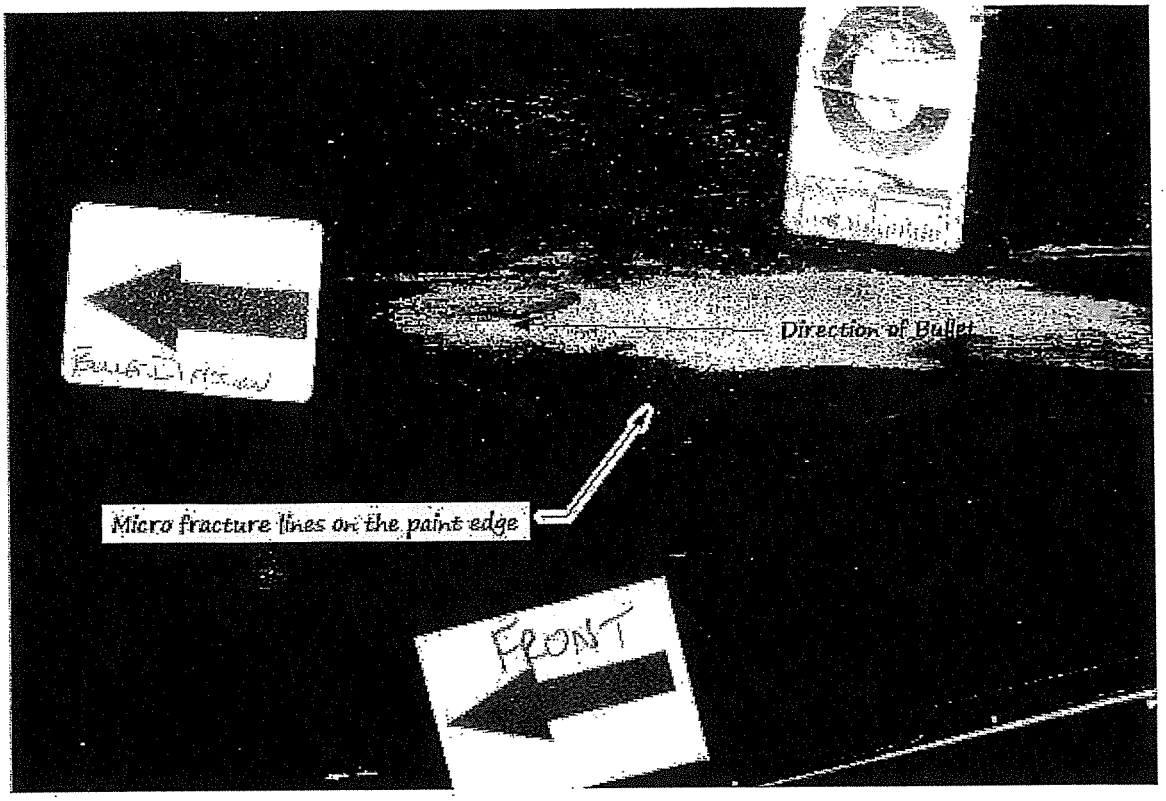
The fracture lines in the paint visible around the edges of the left hall of this ricochet site have been rendered visible by dusting the area with black finger print powder. These fracture lines can be thought of the shock waves radiating out from a bullet in flight. They establish the direction of travel for this bullet as left to right. Note that in this example there is no hard in mark or pinch point to aid in establishing the direction of travel.

[1] Haag, *Shooting Incident Reconstruction*, pg 133

It was determined that the bullet path of both defect "B" and "C" was from the hood toward the bumper (rear of vehicle toward front of vehicle).



Defect B



Defect C

O'Neill photographically documented the bullet defects depicting the wave-like fractures. Officer Syring then casted defects "B" and "C" with Accu-trans. The Accu-trans molds were booked into property control.

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE #: [redacted]

OFFENSE: O.I.S.	ARREST MADE ☒	REQ BY: BUTHERUS	STAR: 254	UNIT: 3J41E	DATE /TIME RECEIVED: 3/6/18 2317
					DATE / TIME REQUESTED: 3/6/18 ASAP
					N/R CARD LEFT ☐ DATE/TIME: /
COMPLAINANT: SFPD		PHONE: 415 987 3523			RUNDATE: 3/6/18 ARRIVAL TIME: 2340
LOCATION OF RUN: 600 BLOCK OF CAPP STREET					CSO / STAR: ORTIZ/4189 [redacted]
REMARKS / INSTRUCTIONS: RESIDENTIAL AREA					CSO / STAR: GAMBOA/1327

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☒ N/A ☐ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

PLEASE SEE C.S.I. REPORT.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☒ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ EVIDENCE INVENTORY (235E)
- ☒ VEHICLE PROCESSING REPORT (235F)
- ☒ CRIME SCENE REPORT / NOTES
- ☒ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000180

San Francisco Police
Crime Scene Investigations Unit
Scene Report

Case Number: [redacted] ***Location:*** **600 BLK. OF CAPP STREET**

Date: **03/06/18** ***Offense:*** ***O.I.S.*** ***Officer:*** **Ortiz #4189** [redacted]
Gamboa #1327
Barr #961
Simpson #2137

Purpose of Response:
On 3/6/18 at approximately 2317 hours I received a telephone notification from the San Francisco Police Department Operations Center (DOC) informing me that an Officer involved shooting (O.I.S.) incident had occurred at 600 block of Capp Street and a Crime Scene Investigation response was requested to process the scene. Officer Gamboa #1327, Officer Barr #961 and Officer Simpson #2137 from Crime Scene Investigations also responded to assist with processing the scene.

Scene Description:
The shooting incident occurred in front of [redacted] between 21st Street and 22nd Street. The area is mainly residential with several apartment buildings. Several vehicles were parked on both sides of Capp Street with traffic that flows in both Northbound and Southbound directions. Several marked S.F.P.D. vehicles were also in the crime scene.

Observations:
The incident reportedly occurred approximately at 2230 hours on Tuesday 03/06/18, late evening. We arrived on scene at 2340 hours on 03/06/18, during the hours of darkness. The main street area was lit by working street lights. The S.F.P.D. Command Van was on scene with spot lights illuminating the area from the North end of Capp Street and the San Francisco Fire Department engine #7 light truck was illuminating the area from the South end of Capp Street. The weather was overcast and cool with slight winds. The area around [redacted] was cordoned off with crime scene tape and secured by several police officers and several marked police vehicles.

SFPD case number: [redacted] R. [redacted] Tech review [redacted]

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Scene:
We arrived on scene and met with Lt. Banta #2251 and Officer Butherus #254 who walked us through the crime scene and pointed out the evidence which consisted of the following items; a black right hand glove, several casings, bullet fragments, bullets, several Officer's pistol magazines, the suspect's vehicle (black Honda 2 door Civic paper plates) and suspect's bloody firearm (located in trunk of suspects vehicle), an unfired cartridge, bean bags from an E.R.I.W. discharge and the deceased covered by a yellow sheet. Additionally a 9mm casing was located on the street directly behind the trunk area of the suspect's vehicle (markers #1 through #50).

There were several vehicles and apartment buildings on scene that had damage, along with several casings located in the interior of S.F.P.D. vehicle #067 CA exempt[redacted] (markers A through Z).

The suspect's vehicle was stopped in the street in front of [redacted] south bound (markers A1 through A12).

Apartment [redacted] also had property damage and fragments located in the unit (markers B1 and B2).

Officer Barr and I cordoned off the inner perimeter scene with RED crime scene tape and uniformed police officers were on the outer area of the crime scene.

Sgt. Cagney #341, Sgt. Watts #1594 and Sgt. Bandvik #479 from the Homicide unit arrived on scene and confirmed the evidence to be collected.

Lieutenant Devlin of Crime Scene Investigations also arrived on scene and kept the inner perimeter scene secured.

Evidence Collected
Officer Gamboa and Officer Simpson numbered all the evidence on scene. Officer Barr took photos of the scene using a Nikon digital camera and videotaped the scene using a Sony video recorder.

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Officer Kellogg #1009 and Officer Juco #4121 from Crime Scene Investigations also arrived on scene to diagram the scene with Leica Digital Scanner and Leica Total Station System.

Lt. Devlin, Officer Gamboa and Officer Simpson responded to Mission station to take photos of the involved officers and collected their department issued firearms and department issued body worn cameras. Lt. Devlin docked the body worn cameras at the C.S.I. office.

After the scene was processed by photographing and videotaping, further evidence was located. The evidence consisted of the following; several fragments, bullets, property damage and a gun magazine. All of these items were located in the areas of [redacted] All of these items were also photographed and videotaped by Officer Barr.

Medical Examiners Inspector Macferren #123 and Inspector Powning #119 arrived on scene and took custody of the deceased, his wallet and miscellaneous papers and cards. Insp. Powning gave me a Medical Examiner's property receipt.

Sgt. Bandvik #479 from the Homicide unit collected the suspect's cell phone and U.S. currency. This was all photographed and videotaped on scene.

At the request of Sgt. Bandvik, Officer Gamboa collected Officer Frisk #715 and Officer Tallerico #976 department issued body worn cameras. These cameras were docked at the C.S.I. office by Officer Simpson.

Officer Gamboa, Officer Barr, Officer Simpson and I collected all of the above mentioned evidence at the scene.

Officer Barr downloaded the photographic data to the Digital Storage system. The memory card containing the video data was transferred to the Photographic Unit for storage.

The collected physical evidence was examined at the Hall of Justice, photographed, packaged and subsequently transferred to the Property Control Division where it was held for possible future examination.

End

SFPD case number: [redacted] R. Ortiz [redacted] Tech review [redacted]

SFDPA - 0097-18 - 000183

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 1 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	BLACK "5.11" RIGHT GLOVE	MARKER # 1@ SCENE	2137	B	N/A	-	3/10/18
2	(1) WIN 40 S&W CASING	MARKER #2 @ SCENE	2137	B	N/A	-	3/10/18
3	(1) WIN 40 S&W CASING	MARKER #3 @ SCENE	2137	B	N/A	-	3/10/18
4	(1) FEDERAL 40 S&W CASING	MARKER #4 @ SCENE	2137	B	N/A	-	3/10/18
5	(1) WIN 40 S&W CASING	MARKER #5 @ SCENE	2137	B	N/A	-	3/10/18
6	(3) WIN 40 S&W CASINGS	MARKER #6 @ SCENE	2137	B	N/A	-	3/10/18
7	(10) FEDERAL 40 S&W CASINGS	MARKER #6 @ SCENE	2137	B	N/A	-	3/10/18
8	(2) FEDERAL 40 S&W CASINGS	MARKER #7 @ SCENE	2137	B	N/A	-	3/10/18
9	(2) WIN 40 S&W CASINGS	MARKER #7 @ SCENE	2137	B	N/A	-	3/10/18
10	(2) WIN 40 S&W CASINGS	MARKER #8 @ SCENE	2137	B	N/A	-	3/10/18
11	(1) FEDERAL 40 S&W CASING	MARKER #9 @ SCENE	2137	B	N/A	-	3/10/18
12	(1) WIN 40 S&W CASING	MARKER #9 @ SCENE	2137	B	N/A	-	3/10/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000184

INCIDENT NUMBER: [redacted]	
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18
C.S.I.: ORTIZ [redacted]	STAR: 4189

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
13	(1) FEDERAL 40 S&W CASING	MARKER # 10 @ SCENE	2137	B	N/A	-	3/10/18
14	(2) WIN 40 S&W CASINGS	MARKER #10 @ SCENE	2137	B	N/A	-	3/10/18
15	(4) WIN 40 S&W CASINGS	MARKER #11 @ SCENE	2137	B	N/A	-	3/10/18
16	(3) FEDERAL 40 S&W CASINGS	MARKER #11 @ SCENE	2137	B	N/A	-	3/10/18
17	(1) WIN 40 S&W CASING	MARKER #12 @ SCENE	2137	B	N/A	-	3/10/18
18	(1) WIN 40 S&W CASINGS	MARKER #13 @ SCENE	2137	B	N/A	-	3/10/18
19	(2) WINCHESTER 223 REM CASINGS	MARKER #14 @ SCENE	2137	B	N/A	-	3/10/18
20	(2) WINCHESTER 223 REM CASINGS	MARKER #15 @ SCENE	2137	B	N/A	-	3/10/18
21	(1) WIN 40 S&W CASINGS	MARKER #15 @ SCENE	2137	B	N/A	-	3/10/18
22	(1) WINCHESTER 223 REM CASING	MARKER #16 @ SCENE	2137	B	N/A	-	3/10/18
23	(1) WIN 40 S&W CASING	MARKER #17 @ SCENE	2137	B	N/A	-	3/10/18
24	(1) BULLET	MARKER #17 @ SCENE	2137	B	N/A	-	3/10/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000185

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 3 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
25	(5) FEDERAL 40 S&W CASINGS	MARKER # 18 @ SCENE	2137	B	N/A	-	3/10/18
26	(4) WIN 40 S&W CASINGS	MARKER #18 @ SCENE	2137	B	N/A	-	3/10/18
27	(1) CTS 12 "SUPER SOCK" CASING	MARKER #18 @ SCENE	2137	B	N/A	-	3/10/18
28	(1) SIG SAUER P226 MAGAZINE	MARKER #19 @ SCENE	2137	B	N/A	-	3/10/18
29	(1) FEDERAL 40 S&W CASING	MARKER #20 @ SCENE	2137	B	N/A	-	3/10/18
30	(1) COPPER JACKET FRAGMENT	MARKER #20 @ SCENE	2137	B	N/A	-	3/10/18
31	(1) SIG SAUER P226 MAGAZINE	MARKER #21 @ SCENE	2137	B	N/A	-	3/10/18
32	(1) SIG SAUER P226 MAGAZINE	MARKER #22 @ SCENE	2137	B	N/A	-	3/10/18
33	(1) WIN 40 S&W CASING	MARKER #23 @ SCENE	2137	B	N/A	-	3/10/18
34	(1) WIN 40 S&W CASING	MARKER #24 @ SCENE	2137	B	N/A	-	3/10/18
35	(1) SILVER JACKET FRAGMENT	MARKER #25 @ SCENE	2137	B	N/A	-	3/10/18
36	(1) 9MM LUGER WINCHESTER CASING	MARKER #26 @ SCENE	2137	B	N/A	-	3/07/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000186

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 4 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
37	(1) BEAN BAG FROM E.R.I.W.	MARKER # 27 @ SCENE	2137	B	N/A	-	3/10/18
38	(1) BULLET	MARKER #27 @ SCENE	2137	B	N/A	-	3/10/18
39	(1) TAURUS MILLENNIUM TVG30029 PISTOL	MARKER #28 @ SCENE	2137	B	N/A	-	3/07/18
40	(2) BULLETS	MARKER #28 @ SCENE	2137	B	N/A	-	3/10/18
41	(1)BULLET	MARKER #29 @ SCENE	2137	B	N/A	-	3/10/18
42	(1) BLACK POCKET KNIFE	MARKER #29 @ SCENE	2137	B	N/A	-	3/10/18
43	(1) FRAGMENT	MARKER #30 @ SCENE	2137	B	N/A	-	3/10/18
44	(1) BULLET	MARKER #31 @ SCENE	2137	B	N/A	-	3/10/18
45	(1) COPPER JACKET	MARKER #32 @ SCENE	2137	B	N/A	-	3/10/18
46	(1) BULLET	MARKER #33 @ SCENE	2137	B	N/A	-	3/10/18
47	(1) BULLET	MARKER #34 @ SCENE	2137	B	N/A	-	3/10/18
48	(1) COPPER JACKET FRAGMENT	MARKER #35 @ SCENE	2137	B	N/A	-	3/10/18

PAGE 4 OF 7

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000187

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	EVIDENCE PAGE 5 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
49	(2) COPPER JACKET FRAGMENT	MARKER # 36 @ SCENE	2137	B	N/A	-	3/10/18
50	(1) BULLET FRAGMENT	MARKER #37 @ SCENE	2137	B	N/A	-	3/10/18
51	(1) COPPER JACKET FRAGMENT	MARKER #38 @ SCENE	2137	B	N/A	-	3/10/18
52	(1) WINCHESTER 223 REM CASING	MARKER #39 @ SCENE	2137	B	N/A	-	3/10/18
53	(1) WINCHESTER 223 REM CASING	MARKER #40 @ SCENE	2137	B	N/A	-	3/10/18
54	(1) FEDERAL 40 S&W CASING	MARKER #40 @ SCENE	2137	B	N/A	-	3/10/18
55	(1) WINCHESTER 223 REM CASING	MARKER #41 @ SCENE	2137	B	N/A	-	3/10/18
56	(1) WIN 40 S&W CASING	MARKER #42 @ SCENE	2137	B	N/A	-	3/10/18
57	(2) WIN 40 S&W CASINGS	MARKER #43 @ SCENE	2137	B	N/A	-	3/10/18
58	(1) FEDERAL 40 S&W CASING	MARKER #44 @ SCENE	2137	B	N/A	-	3/10/18
59	(1) WIN 40 S&W CASING	MARKER #44 @ SCENE	2137	B	N/A	-	3/10/18
60	(1) WIN 40 S&W CASING	MARKER #45 @ SCENE	2137	B	N/A	-	3/10/18

PAGE 5 OF 8

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000188

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ	STAR: 4189	EVIDENCE PAGE 6 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
61	(1) FEDERAL 40 S&W CASING	MARKER # 45 @ SCENE	2137	B	N/A	-	3/10/18
62	(4) FEDERAL 40 S&W CASINGS	MARKER #46 @ SCENE	2137	B	N/A	-	3/10/18
63	(7) WIN 40 S&W CASINGS	MARKER #46 @ SCENE	2137	B	N/A	-	3/10/18
64	(2) WIN 40 S&W CASINGS	MARKER #47 @ SCENE	2137	B	N/A	-	3/10/18
65	(1) SIG SAUER P226 MAGAZINE	MARKER #48 @ SCENE	2137	B	N/A	-	3/10/18
66	(5) WIN 40 S&W CASINGS	MARKER #49 @ SCENE	2137	B	N/A	-	3/10/18
67	(6) WIN 40 S&W CASINGS	MARKER #50 @ SCENE	2137	B	N/A	-	3/10/18
68	(1) BULLET FROM LANDING	637A CAPP STREET	4189	B	N/A	-	3/10/18
69	(1) FRAGMENT FROM WINDOW SEAT	MARKER #B1 @ SCENE	4189	B	N/A	-	3/10/18
70	(1) COPPER JACKET FRAGMENT	MARKER #B2 @ SCENE	4189	B	N/A	-	3/10/18
71	(1) FEDERAL 40 S&W CASING	MARKER #R @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18
72	(1) FEDERAL 40 S&W CASING	MARKER #S @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18

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CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000189

INCIDENT NUMBER: [redacted]		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 7 OF 8
LOCATION: 600 BLOCK OF CAPP STREET	DATE: 03/06/18	
C.S.I.: ORTIZ [redacted]	STAR: 4189	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
73	(1) FEDERAL 40 S&W CASING	MARKER #T @ SCENE IN SFPD VEH. # 067	2137	B	N/A	-	3/10/18
74	(1) FEDERAL 40 S&W CASING	MARKER #U @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18
75	(1) WIN 40 S&W CASING	MARKER #V @ SCENEIN SFPD VEH. #067	2137	B	N/A	-	3/10/18
76	(1) FEDERAL 40 S&W CASING	MARKER #W @ SCENE IN SFPD VEH. #067	2137	B	N/A	-	3/10/18
77	(1) SIG SAUER P226 MAG IN BLUE GLOVES	HOOD OF SFPD VEH. #124	2137	B	N/A	-	3/10/18
78	(1) BEAN BAG FROM E.R.I.W.	[redacted] SIDEWALK	2137	B	N/A	-	3/10/18
79	(1) BULLET ON GARAGE FLOOR	[redacted]	4189	B	N/A	-	3/10/18
80	(1) BULLET/ (1) C. J. FRAGMENT	I.F.O. 628 CAPP STREET GARAGE	2137	B	N/A	-	3/10/18
81	(1) BULLET	I.F.O. BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
82	(1) BULLET FRAGMENT	I.F.O. BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
83	(1) COPPER JACKET FRAGMENT	I.F.O. BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
84	(13) COPPER JACKET FRAGMENTS	REAR OF BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18

PAGE 7 OF 8

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFDPA - 0097-18 - 000190

INCIDENT NUMBER: [redacted]

LOCATION: 600 BLOCK OF CAPP STREET

DATE: 03/06/18

C.S.I.: ORTIZ [redacted]

STAR: 4189

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 8 OF 8

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
85	(5) BULLET FRAGMENTS	REAR OF BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
86	(1) BULLET	UNDER BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
87	(1) BULLET FRAGMENT	UNDER BLACK HONDA CIVIC	2137	B	N/A	-	3/10/18
88	(1) COPPER JACKET FRAGMENT	MARKER #A11 @ SCENE	2137	B	N/A	-	3/10/18
89	(1) BULLET	MARKER #A11 @ SCENE	2137	B	N/A	-	3/10/18
						-	
						-	
						-	
						-	
						-	
						-	
						-	

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000191

CASE [redacted]

OIS 600 Block of Capp Street

Measured by Ofc. Juco #4121

3D Laser Scanner

XY COORDINATES

EVIDENCE	X=South Curb Line of 21st Street	Y=West Curb Line of 22nd Street
E1	78'5"	21'9"
E2	98'2"	31'11"
E3	106'	25'1"
E4	110'3"	24'3"
E5	112'10"	24'6"
E6	118'4"	28'8"
E7	115'1"	33'3"
E8	117'7"	34'5"
E9	121'6"	32'6"
E10	117'9"	25'2"
E11	118'10"	22'3"
E12	114'3"	17'6"
E13	118'2"	13'2"
E14	117'9"	7'1"
E15	117'9"	11"
E16	124'12"	6'10"
E17	127'3"	13'5"
E18	122'	22'9"
E19	123'8"	24'11"
E20	126'8"	24'8"
E21	129'9"	21'1"
E22	128'11"	37'7"
E23	131'1"	32'11"
E24	132'10"	26'5"
E25	135'4"	35'1"
E26	145'10"	13'8"
E27	146'	14'9"
E28	Firearm located in trunk of [redacted]	
E29	143'6"	10'3"
E30	153'8"	15'2"
E31	152'11"	35'8"
E32	161'11"	31'4"
E33	170'	1"
E34	177'2"	6'5"
E35	177'5"	22'4"
E36	210'2"	25'11"
E37	222'3"	35'2"
E38	225'2"	14'10"
E39	125'4"	46'10"
E40	125'	43'

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E41	130'5"	46'3"
E42	92'10"	-8'
E43	97'8"	-8'2"
E44	95'4"	9"
E45	98'7"	3"
E46	103'6"	10"
E47	116'3"	-7'3"
E48	121'8"	0
E49	127'6"	-1'8"
E50	125'10"	-7'4"

SFDPA - 0097-18 - 000193

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/06/18	2345

LOCATION OF RUN: 600 BLOCK CAPP ST

CSO / STAR: SIMPSON/2137 [redacted]

REMARKS / INSTRUCTIONS

CSO / STAR: ORTIZ/4189 [redacted]

CASE # [redacted]

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: TAURUS	MODEL: MILLENNIUM	SERIAL #: [redacted]
CALIBER: 9MM	BARREL LENGTH: 3"	FINISH: BLK/SILV

NOTES: EVIDENCE MARKER #28 AT SCENE (TRUNK OF HONDA CIVIC)

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : TZZ 87 9MM-FMJ-BRASS VARIED ☐ :

NOTES: (9) ROUNDS INSIDE MAGAZINE, (1) ROUND CHAIMBERED

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☒ NO ☐ N/A ☐

WATER LOT#: 14G16 EXP. DATE: 07/18 **SWABS BOOKED: DATE: 03/08/18 BY# 2137**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☐ SAFETY ON? Y ☐ N ☒ N/A ☐

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

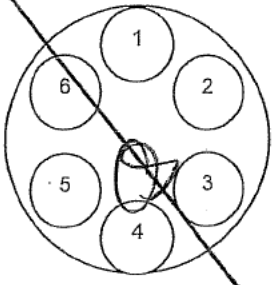
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
(10) ROUNDS- TZZ 87 9MM-FMJ-BRASS. (1) EMPTY MAGAZINE (10 ROUND CAPACITY)

PISTOL SWABBED BY OFC BARR #961.

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 9

TOTAL CARTRIDGES: 10

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

PAGE \\

SFDPA - 0097-18 - 000194

CITY & COUNTY OF SAN FRANCISCO

MEDICAL EXAMINER'S PROPERTY RECEIPT

1 NEWHALL STREET • SAN FRANCISCO, CA • 94124 • (415) 641-3600

DATE	TIME A.M.	TIME P.M.	CASE NO.
3/7/18			[redacted]

THIS IS TO CERTIFY THAT I HAVE THIS DAY MADE A CAREFUL SEARCH OF THE CLOTHING AND THE PREMISES.

of Doe #32 John Deceased

at 600 Block of Capp St

AND HAVE TAKEN POSSESSION OF THE PROPERTY DESCRIBED BELOW

Currency $ 0 Coin $ 0 Total $ 0

Jewelry 1-Wallet NSC C49

Will _____ Bank Book _____

Discharge Papers _____ Ins. Papers _____

OTHER EFFECTS: STOCKS-BONDS-PAWN TICKETS-LODGE REC.-ETC.

1-GSR Key RAL Mec Seal #
1-Hand Bag Lit 158816

Clothing AS FOUND

[redacted] 163

Medical Examiner's Investigator Star

DO NOT SIGN THIS UNLESS YOU HAVE ACTUALLY WITNESSED THE SEARCH

Witness X _____

Address _____

Witness X _____

Address _____

Evidence or information indicating previous search _____ YES OR NO

By whom apparently made _____ Detail on Reverse Side

2018 - 0032

2018

White: Medical Examiner • Yellow: Police (attach to Police report) • Pink: Witness

Repro-011

SFDPA - 0097-18 - 000195

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]	OFFENSE: OIS	ARREST MADE ☐	REQ BY: BUTHERUS	STAR: 254	UNIT: 3J41e
	COMPLAINANT: SFPD		PHONE: na		
	LOCATION OF RUN: 600 Block of Capp St.				
	REMARKS / INSTRUCTIONS: In front of 600/602				

DATE / TIME RECEIVED	
DATE / TIME REQUESTED	
N/R CARD LEFT ☐	DATE/TIME /
RUNDATE: 030718	ARRIVAL TIME: 0715
CSO / STAR: GOMES/911 [redacted]	
CSO / STAR 2: O'NEILL/1360	

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☐ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

Observed one metal fragment on the street in front of 600/602 Capp Street.

The ~~positen~~ position of the item was manually measured (Leica laser) and the measurements provided to Juco/4121 for addition to the drawing. The item was collected and booked on 030718 and availible for future examination. Officer O'Neill photographed the item in place at the scene prior to collection. The item apppeared to be the copper jacket portion of a projectile.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☒ EVIDENCE INVENTORY (235E)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000196

INCIDENT NUMBER: [redacted]	
LOCATION: 600 block of Capp Street	DATE: 030718
C.S.I.: Gomes	STAR: 911

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	metal fragment	on street IFO 600/602	911	b	na	na	030718

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0097-18 - 000197

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]

OFFENSE: OIS	ARREST MADE ☒	REQ BY: SGT. CHORLEY	STAR: 270	UNIT: 187	DATE /TIME RECEIVED: 3/8/18 1100
COMPLAINANT: SFPD		PHONE: UNK			DATE / TIME REQUESTED:
LOCATION OF RUN: 850 BRYANT ST (CSI)					N/R CARD LEFT ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS:					RUNDATE: 3/8/18 ARRIVAL TIME: 1100
					CSO / STAR: R. CHECK/1974
					CSO / STAR:

PHOTOS: NO ☒ BY C.S.I. ☐ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

SGT. CHORLEY #270 HAND DELIVERED ONE BLACK SWEATSHIRT TO BE PHOTOGRAPHED AND BOOKED.

I SEIZED SAID SWEATSHIRT AND TOOK PHOTOGRAPHS OF IT IN OUR CSI EVIDENCE PROCESSING ROOM

THERE WAS A PERFORATING HOLE IN THE BACK LEFT UPPER ARM THAT I TOOK PHOTOS OF WITH AND

WITHOUT MEASUREMENT. THE HOLE WAS APPROXIMATELY 1.5 INCHES IN LENGTH AND 3/4 OF AN INCH

WIDE. THE SWEATSHIRT WAS SUBSEQUENTLY BOOKED INTO PROPERTY.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☒ EVIDENCE INVENTORY (235E)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ X & Y COORDINATES
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE DIAGRAM
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000198

INCIDENT NUMBER: [redacted]	
LOCATION: CSI IMPOUND ROOM	DATE: 3/8/18
C.S.I.: R. CHECK	STAR: 1974

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	BLACK RALPH LAUREN SWEATSHIRT	CSI/850 BRYANT ST ROOM #419	270	B	NA	-	3/8/18
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (04/16)

SFDPA - 0097-18 - 000199

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]	OFFENSE: OIS	ARREST MADE ☐	REQ BY PARKER	STAR 462	UNIT 5H9
	COMPLAINANT SFPD		PHONE		
	LOCATION OF RUN CO D				
	REMARKS / INSTRUCTIONS				

DATE /TIME RECEIVED	03/09/18 1520
DATE / TIME REQUESTED	0309/18/ ASAP
N/R CARD LEFT ☐	DATE/TIME /
RUNDATE 03/09/18	ARRIVAL TIME 1650
CSO / STAR RALLIS 238 [redacted]	
CSO / STAR CRANNA 177	

PHOTOS: NO ☒ BY C.S.I. ☐ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

Request to pick up body worn camera at CO D from Ofc. Bohannon. Camera picked up and docked at CSI for video uploading.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ EVIDENCE INVENTORY (235E)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ X & Y COORDINATES
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE DIAGRAM
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000200

COPY

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]

OFFENSE: OIS	ARREST MADE ☐	REQ BY WARNKE	STAR 1397	UNIT 5H	DATE /TIME RECEIVED DATE / TIME REQUESTED N/R ☐ CARD LEFT ☐ DATE/TIME /
COMPLAINANT SFPD		PHONE 415.601.8100			RUNDATE 03/12/18 ARRIVAL TIME 1735
LOCATION OF RUN [redacted]					CSO / STAR GAMBOA/1327, ORTIZ/4189
REMARKS / INSTRUCTIONS REQUEST TO RETRIEVE BULLET FROM WALL					CSO / STAR CRANNA/177, SIMSPON/2137

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☐ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

Officer Cranna photographed the area and retrieved the bullet from the wall.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ EVIDENCE INVENTORY (235E)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000201

INCIDENT NUMBER: [redacted]	
LOCATION: [redacted]	DATE: 03/12/18
C.S.I.: GAMBOA	STAR: 1327

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	One bullet	Lower part of wall of garage	177	B	N/A	N/A	03/12/18

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0097-18 - 000202

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

CASE # [redacted]	OFFENSE: OIS	ARREST MADE ☒	REQ BY HOMICIDE	5H	DATE /TIME RECEIVED 03/06/18 2317 DATE / TIME REQUESTED 03/06/18 2345
	COMPLAINANT SFPD	PHONE			N/R CARD LEFT ☐ DATE/TIME /
	LOCATION OF RUN MISSION STATION				RUNDATE 03/07/18 ARRIVAL TIME 0300
	REMARKS / INSTRUCTIONS PHOTOGRAPH OFFICERS, COLLECT FIREARMS AND BWC.				CSO / STAR SIMPSON/2137 [redacted] CSO / STAR GAMBOA/1327

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date)

COMMENTS/ NOTES/ P.O.E.

ON 03/07/18 AT APPROXIMATELY 0300 HOURS OFC GAMBOA #1327 AND I RESPONDED TO MISSION STATION IN REGARDS TO SFPD INCIDENT # [redacted] OUR DUTIES INCLUDED PHOTOGRAPHING THE INVOLVED OFFICERS, COLLECTING THEIR FIREARMS, MAGAZINES AND BODY WORN CAMERAS. OFC GAMBOA PHOTOGRAPHED SFPD OFFICERS #253, #987, #1306, #2017, #1469, #1104, #2214, #2035, #4115, AND #4132. I COLLECTED THE FIREARMS AND MAGAZINES USED BY THE ABOVE LISTED OFFICERS INCLUDING (8) EIGHT SIG SAUER P226 PISTOLS, (2) TWO COLT M4 CARBINE RIFLES AND (1) ONE ERIW (CO D#11). I ALSO COLLECTED THE ABOVE OFFICER'S BODY WORN CAMERAS AND LT. DEVLIN # 396 TOOK CONTROL OF THEM AT MISSION STATION AND TRANSPORTED THEM BACK TO THE CSI BWC DOCKING STATION. I TRANSPORTED ALL OF THE FIREARMS AND MAGAZINES BACK TO THE CSI IMPOUND ROOM AND SECURED THEM IN THE FIREARMS LOCKER. SEE CSI FIREARM REPORTS FOR COMPLETE FIREARM RELATED DETAILS.

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ EVIDENCE INVENTORY (235E)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE REPORT /.NOTES
- ☐ CRIME SCENE DIAGRAM
- ☐ X & Y COORDINATES
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFDPA - 0097-18 - 000203

SAN FRANCISCO POLICE DEPARTMENT
CRIME SCENE RESPONSE FORM

DATE /TIME RECEIVED

DATE / TIME REQUESTED

CASE # [redacted]

OFFENSE: OIS	ARREST MADE ☐	REQ BY CSI	STAR	UNIT	N/R CARD LEFT ☐	DATE/TIME /
COMPLAINANT SFPD		PHONE			RUNDATE 04/06/18	ARRIVAL TIME 1100
LOCATION OF RUN 450 7th Street CSI vehicle impound					CSO / STAR OCONNOR # 336	[redacted]
REMARKS / INSTRUCTIONS O'Neill # 1360, Syring # 4297					CSO / STAR GOMES # 911	

PHOTOS: NO ☐ BY C.S.I. ☒ BY PHOTO LAB ☐ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) , ,

COMMENTS/ NOTES/ P.O.E.

see narrative on page 3

CHECK ALL FORMS ATTACHED TO THIS REPORT:

- ☐ FIREARM INFORMATION REPORT (235A)
- ☐ GUNSHOT RESIDUE REPORT (235C)
- ☒ EVIDENCE INVENTORY (235E)
- ☐ CRIME SCENE REPORT / NOTES
- ☐ X & Y COORDINATES
- ☐ BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
- ☐ COMPARISON REQUEST & ID FORM (235D)
- ☐ VEHICLE PROCESSING REPORT (235F)
- ☐ CRIME SCENE DIAGRAM
- ☐ OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

SFPD 235 (REVISED 08/08)

SFDPA - 0097-18 - 000204

SAN FRANCISCO POLICE DEPARTMENT

VEHICLE PROCESSING REPORT

CASE NUMBER: [redacted]	TYPE OF INCIDENT / DETAIL REQUESTING	REQ. BY	STAR	UNIT
	OIS/Homicide	Sgt. Watts	1594	5H21
	LOCATION: CSI Auto Lot/450 7th Street	VEHICLE INSIDE ☐	VEHICLE OUTSIDE ☒	
	C.S.I. RESPONSE BY: Ofc. Juco [redacted]	STAR: 4121	DATE: 3/18/18	TIME: 0943
		VEHICLE LOCKED Y ☐ N ☒	KEYS INSIDE Y ☒ N ☐	

VEHICLE LICENSE:	YEAR	MAKE	MODEL	COLOR	VIN
[redacted]	2017	Honda	Civic	Black	[redacted]

REQUESTED PROCESSING:

☒ PHOTOS ☒ LATENTS ☐ EVIDENCE RECOVERY ☒ DNA ☐ GSR ☐ TRAJECTORY ☐ OTHER

COMMENTS/ NOTES:

Overall photos of vehicle taken and completed. Processed all areas mentioned in search warrant for latent prints with negative results. Sample swabs were taken of blood located inside the trunk area of the vehicle. These sample swabs were collected, preserved and booked into the property control division for future lab analysis. A cellphone was located on the driver seat and subsequently booked for future data download.

[redacted]

LATENT PRINT RECOVERY SUMMARY: N/A ☐

FROM VEHICLE: NO ☒ YES ☐ # OF LATENT CARDS: FROM EVIDENCE: NO ☐ YES ☐ # OF LATENT CARDS:

VEHICLE EVIDENCE INVENTORY *(IF ITEMS ARE TO BE PROCESSED, USE SFPD 235E FORM)*

ITEM #	DESCRIPTION	LOCATION FOUND	235E (Y/N)
1	Cellphone	Driver seat	Y ☐ N ☒
2	Two Sample Swabs	Bloodstain in trunk	Y ☐ N ☒
3	Two Water Controls	Lot 38B16 expires 2/18	Y ☐ N ☒
			Y ☐ N ☐
	[redacted]		Y ☐ N ☐
	INVENTORY CONTINUED ON ADDITIONAL 235E FORM?		Y ☐ N ☐

SFPD 235F (01/10)

SFDPA - 0097-18 - 000205

CRIME SCENE INVESTIGATIONS VEHICLE PROCESSING REQUEST

Case #	Date:	Time:
[redacted]	3/10/18	1600
Request by:	Unit & Phone Number	Officer-in-Charge

Year	Make	Model	Color	License	Vin.
2017	Honda	Accord	Black	[redacted]	[redacted]

Please Process: Photo

Yes: ☒	No: ☐

Specify area of interest:
All areas, both interior, exterior and trunk

Please Process: Print

Yes: ☒	No: ☐

Specify area touched by suspect:
Driver's sterring wheel, drive rdoor handle, exterior of trunk where a person would open it

Items to be processed for prints

Please Process: Biological Evidence Recovery

Yes: ☒	No: ☐

Specify: Blood, Semen, or Saliva
Blood found in vehicle, specifically the trunk area

Please Process: Trace Evidence Recovery

Yes: ☐	No: ☐

Specify:

Other physical evidence to be collected

Yes: ☐	No: ☐

Specify:

Synopsis of Case:
Vehicle used in a 211/221 on Capp/21St. Victim's waived down passing SFPD patrol car, who initiated a felony stop, resulting in an OIS.

SAN FRANCISCO POLICE DEPARTMENT

VEHICLE PROCESSING REPORT

CASE NUMBER: [redacted]

TYPE OF INCIDENT / DETAIL REQUESTING	REQ. BY	STAR	UNIT
OIS	Watts	1594	5h21

LOCATION	VEHICLE INSIDE ☒	VEHICLE OUTSIDE ☐
VEHICLE IMPOUND		

C.S.I. RESPONSE BY	STAR	DATE	TIME	VEHICLE DIAGRAM ATTACHED
Gomes [redacted]	911	040818	1330	Y ☐ N ☒

VEHICLE LICENSE:	YEAR	MAKE	MODEL	COLOR	VIN
[redacted]	2017	Honda	CIVIC	BLACK	[redacted]

REQUESTED PROCESSING:

☒ PHOTOS ☐ LATENTS ☐ EVIDENCE RECOVERY ☐ DNA ☐ GSR ☐ TRAJECTORY ☐ OTHER

COMMENTS/ NOTES:

Photographs by O'Neill/1360. Bullets found during bullet path reconstruction process

The six bullets and one metal fragment were all in the trunk area. Two bullets were under the bag of dog food and two bullets were in the spare tire well. The items were booked on the same day.

[redacted]

LATENT PRINT RECOVERY SUMMARY: N/A ☐

FROM VEHICLE: NO ☐ YES ☐ # OF LATENT CARDS: FROM EVIDENCE: NO ☐ YES ☐ # OF LATENT CARDS:

VEHICLE EVIDENCE INVENTORY *(IF PROCESSED, SEE SFPD 235G FORM)*

ITEM #	DESCRIPTION	LOCATION FOUND	235G (Y/N)
1	6 fired bullets	trunk of above listed vehicle	Y ☐ N ☐
2	1 metal fragment	trunk of above llisted vehicle	Y ☐ N ☐
			Y ☐ N ☐
			Y ☐ N ☐
			Y ☐ N ☐

INVENTORY CONTINUED ON 235E? Y ☐ N ☐

SFPD 235F (05/08)

SFDPA - 0097-18 - 000207

INCIDENT NUMBER: [redacted]	
LOCATION: 450 7th Street CSI veh impound	DATE: 04/06/18
C.S.I.: OConnor [redacted]	STAR: # 336

SAN FRANCISCO POLICE DEPARTMENT
C.S.I. EVIDENCE INVENTORY & PROCESSING

EVIDENCE PAGE 1 OF 1

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	Accu-trans impress SFPD lic [redacted]	bullet defects B and C	4297	B	ACC	N/A	04/06/18

#336 [redacted]

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

SFDPA - 0097-18 - 000208

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	N/R CARD LEFT: ☐ DATE/TIME: /
COMPLAINANT: SFPD		PHONE:			RUNDATE: 03/07/18 ARRIVAL TIME: 0300
LOCATION OF RUN: MISSION STATION					CSO / STAR: SIMPSON/2137 [redacted]
REMARKS / INSTRUCTIONS					CSO / STAR: ORTIZ/4189

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK
NOTES: SFPD OFFICER #253		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

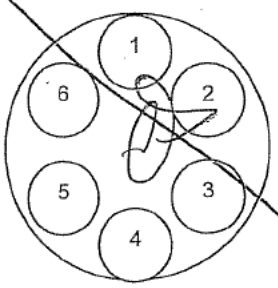
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL- (11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1 - (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE.

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **11**

TOTAL CARTRIDGES: **24**

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000209

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE #: [redacted]

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/07/18	0300

LOCATION OF RUN: MISSION STATION

REMARKS / INSTRUCTIONS

CSO / STAR: SIMPSON/2137 [redacted]

CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK

NOTES: SFPD OFFICER #987

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

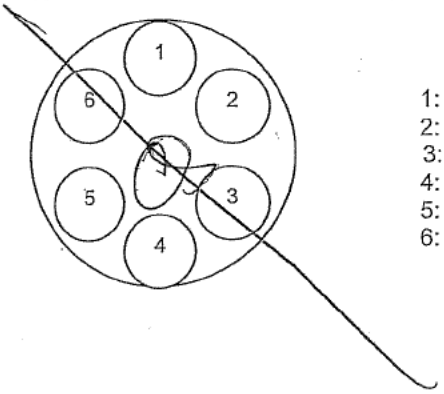
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL- (11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 11

TOTAL CARTRIDGES: 24

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000210

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT ☐ DATE/TIME /
REMARKS / INSTRUCTIONS					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: **SIG SAUER**	MODEL: **P226**	SERIAL #: [redacted]
CALIBER: **.40**	BARREL LENGTH: **4.5"**	FINISH: **BLK**
NOTES: SFPD OFFICER #1306		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : **WIN 40 S&W-JHP-STEEL** VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

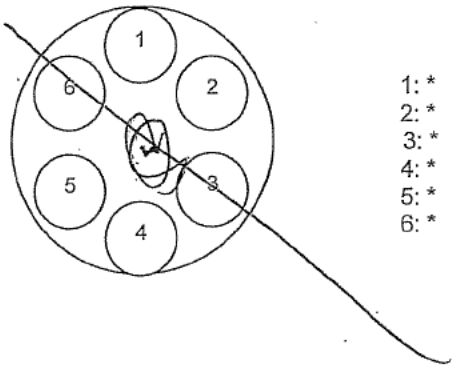
MAG IN WELL-(1) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- (12) WIN 40 S&W-JHP-STEEL ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **1**

TOTAL CARTRIDGES: **26**

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000211

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	DATE /TIME RECEIVED
OIS	☒	HOMICIDE		5H	03/06/18 2317
					DATE / TIME REQUESTED 03/06/18 ASAP
					N/R CARD LEFT ☐ DATE/TIME /
COMPLAINANT SFPD		PHONE			RUNDATE 03/07/18 ARRIVAL TIME 0300
LOCATION OF RUN MISSION STATION					CSO / STAR SIMPSON/2137 [redacted]
REMARKS / INSTRUCTIONS					CSO / STAR ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: **SIG SAUER**	MODEL: **P226**	SERIAL #: [redacted]
CALIBER: **.40**	BARREL LENGTH: **4.5"**	FINISH: **BLK**
NOTES: SFPD OFFICER #2017		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : **WIN 40 S&W-JHP-STEEL** VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

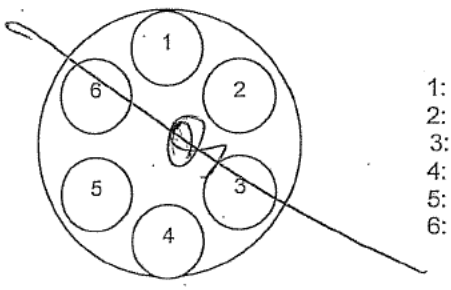
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(6) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- (12) WIN 40 S&W-JHP-STEEL ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **6**

TOTAL CARTRIDGES: **31**

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000212

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

DATE /TIME RECEIVED	
03/06/18	2317
DATE / TIME REQUESTED	
03/06/18	ASAP

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/07/18	0300

LOCATION OF RUN: MISSION STATION

REMARKS / INSTRUCTIONS

CSO / STAR: SIMPSON/2137 [redacted]

CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK

NOTES: SFPD OFFICER #1469

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

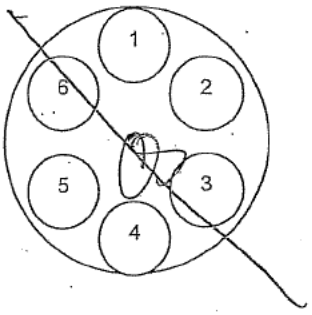
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(4) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- (12) WIN 40 S&W-JHP-STEEL ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 4

TOTAL CARTRIDGES: 29

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000213

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

CASE # [redacted]

COMPLAINANT: SFPD | PHONE:

RUNDATE: 03/07/18 | ARRIVAL TIME: 0300

LOCATION OF RUN: MISSION STATION

CSO / STAR: SIMPSON/2137 [redacted]

REMARKS / INSTRUCTIONS

CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER | MODEL: P226 | SERIAL #: [redacted]

CALIBER: .40 | BARREL LENGTH: 4.5" | FINISH: BLK

NOTES: SFPD OFFICER #1104

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

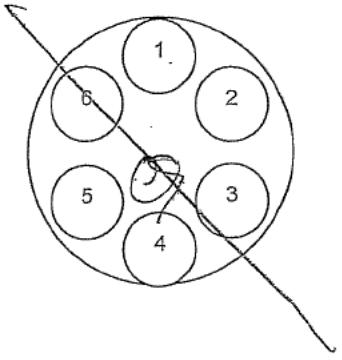
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1 - (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE.

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 11

TOTAL CARTRIDGES: 24

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000214

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]	OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H
	COMPLAINANT: SFPD		PHONE:		
	LOCATION OF RUN: MISSION STATION				
	REMARKS / INSTRUCTIONS:				

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP
N/R CARD LEFT: ☐ DATE/TIME: /
RUNDATE: 03/07/18 ARRIVAL TIME: 0300
CSO / STAR: SIMPSON/2137 [redacted]
CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK
NOTES: SFPD OFFICER #2214. OFFICER CARRIED 3 SPARE MAGAZINES		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

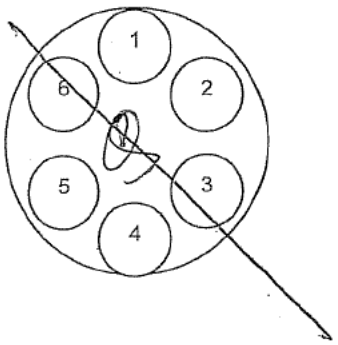
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL-(10) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1 - (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2 - (12) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 3- AT SCENE

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 11

TOTAL CARTRIDGES: 35

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000215

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT: ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☒ SHOTGUN ☐ RIFLE ☐ OTHER ☐

FIREARM

MAKE: SIG SAUER	MODEL: P226	SERIAL #: [redacted]
CALIBER: .40	BARREL LENGTH: 4.5"	FINISH: BLK
NOTES: SFPD OFFICER #2035		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WIN 40 S&W-JHP-STEEL VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

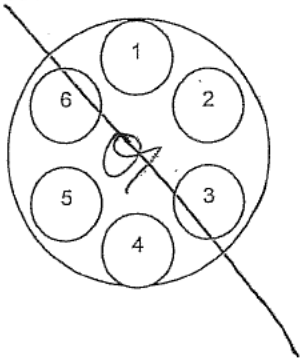
NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:
MAG IN WELL- (11) WIN 40 S&W-JHP-STEEL ROUNDS. SPARE MAG 1- (12) WIN 40 S&W-JHP-STEEL ROUNDS

SPARE MAG 2- AT SCENE

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 11

TOTAL CARTRIDGES: 24

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000216

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT: ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☒ OTHER ☐

FIREARM

MAKE: COLT	MODEL: M4 CARBINE	SERIAL #: [redacted]
CALIBER: 5.56	BARREL LENGTH: 16"	FINISH: BLK
NOTES: SFPD OFFICER #4115. CO D RIFLE #11		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WINCHESTER .223 REM VARIED ☐ :

NOTES: ROUND FROM CHAIMBER AND MAGAZINE REMOVED PRIOR TO CSI.

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☐ N ☒ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☒ N ☐ N/A ☐

UNLOADED PRIOR TO CSI? Y ☒ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

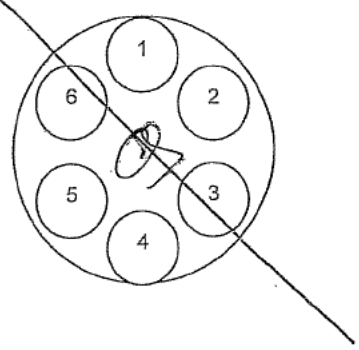
MAG REMOVED FROM WELL- (24) WINCHESTER .223-FMJ-BRASS ROUNDS. (1) ROUND REMOVED FROM CHAIMBER

SPARE MAG 1- (30) WINCHESTER .223-FMJ-BRASS ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☐ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 24

TOTAL CARTRIDGES: 55

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFDPA - 0097-18 - 000217

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

DATE /TIME RECEIVED: 03/06/18 2317
DATE / TIME REQUESTED: 03/06/18 ASAP

OFFENSE	ARREST MADE	REQ BY	STAR	UNIT	N/R CARD LEFT	DATE/TIME
OIS	☒	HOMICIDE		5H	☐	/

COMPLAINANT	PHONE	RUNDATE	ARRIVAL TIME
SFPD		03/07/18	0300

LOCATION OF RUN: MISSION STATION

REMARKS / INSTRUCTIONS:

CSO / STAR: SIMPSON/2137 [redacted]

CSO / STAR: ORTIZ/4189

CASE # [redacted]

REVOLVER ☐ PISTOL ☐ SHOTGUN ☐ RIFLE ☒ OTHER ☐

FIREARM

MAKE: COLT	MODEL: M4 CARBINE	SERIAL #: [redacted]
CALIBER: 5.56	BARREL LENGTH: 16"	FINISH: BLK

NOTES: SFPD OFFICER #4132. CO D RIFLE #16

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : WINCHESTER .223 REM VARIED ☐ :

NOTES:

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☐ N ☒ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☒ N ☐ N/A ☐

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

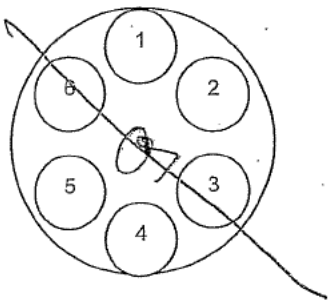
MAG IN WELL- (26) WINCHESTER .223-FMJ-BRASS ROUNDS.

SPARE MAG 1- (30) WINCHESTER .223-FMJ-BRASS ROUNDS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: 26

TOTAL CARTRIDGES: 57

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000218

SAN FRANCISCO POLICE DEPARTMENT
FIREARM INFORMATION REPORT

CASE # [redacted]

OFFENSE: OIS	ARREST MADE: ☒	REQ BY: HOMICIDE	STAR:	UNIT: 5H	DATE /TIME RECEIVED: 03/06/18 2317
COMPLAINANT: SFPD		PHONE:			DATE / TIME REQUESTED: 03/06/18 ASAP
LOCATION OF RUN: MISSION STATION					N/R CARD LEFT: ☐ DATE/TIME: /
REMARKS / INSTRUCTIONS					RUNDATE: 03/07/18 ARRIVAL TIME: 0300
					CSO / STAR: SIMPSON/2137 [redacted]
					CSO / STAR: ORTIZ/4189

REVOLVER ☐ PISTOL ☐ SHOTGUN ☒ RIFLE ☐ OTHER ☐

FIREARM

MAKE: **REMMINGTON**	MODEL: **870 ERIW**	SERIAL #: [redacted]
CALIBER: **ERIW 12 GA**	BARREL LENGTH: **18"**	FINISH: **BLK/ORNG**
NOTES: SFPD OFFICER #2097. CO D ERIW #11		

AMMO

HEADSTAMPS: ALL IDENTICAL ☒ : **CTS 12 CTS 12** VARIED ☐ :

NOTES: **SUPER SOCK**

DNA

GRIPS PRESERVED: YES ☐ BY # NO ☐ UNK. ☒ GRIPS SWABBED: YES ☐ NO ☒ N/A ☐

WATER LOT#: EXP. DATE: / **SWABS BOOKED: DATE: BY#**

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☐ N ☐ N/A ☒ WEAPON COCKED? Y ☐ N ☐ SAFETY ON? Y ☒ N ☐ N/A ☐

UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☐

PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:

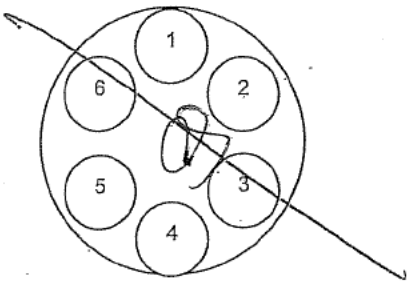
MAG TUBE- (1) CTS 12 CTS 12-SUPER SOCK- SHELL

SPARE ROUND SLEVE- (7) CTS 12 CTS 12-SUPER SOCK- SHELLS

ADDITIONAL FORMS ATTACHED:

☐ CSI RESPONSE 235 ☐ FIREARM REPORT 235A ☐ EVIDENCE INVENTORY 235E ☐ OTHER:

REVOLVERS: ROTATION – CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☐ EMPTY ☐

MAGAZINE: # OF CARTRIDGES: **1**

TOTAL CARTRIDGES: **8**

FIREARM & CONTENTS BOOKED ON: 03/07/18 BY # 2137

SFPD 235A (Rev 04/16)

SFDPA - 0097-18 - 000219

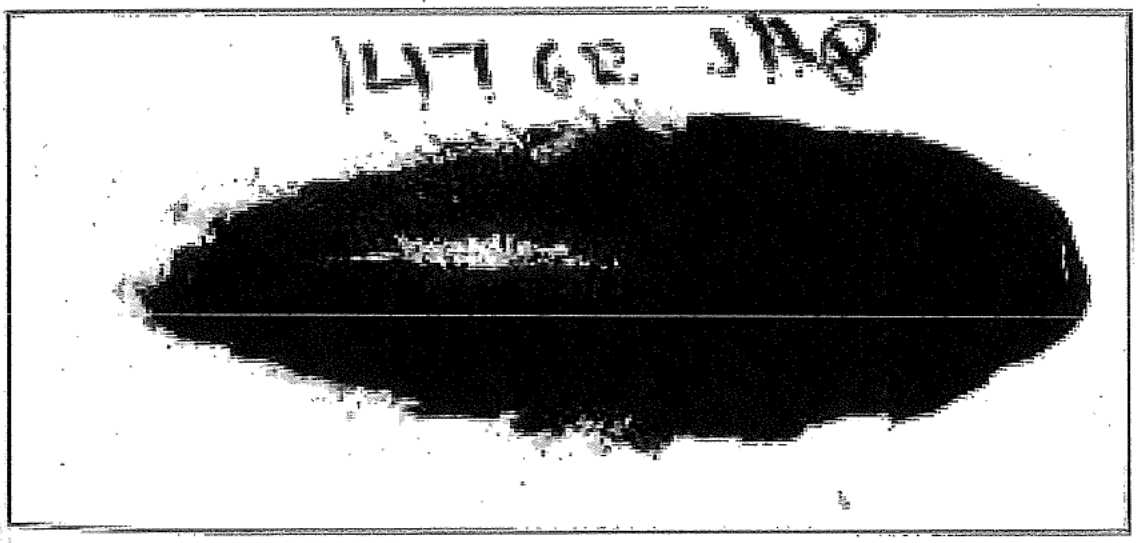
San Francisco Police Department
Crime Scene Investigations Unit
Scene Observations/Notes

Case Number: [redacted] **Location: 450 7th Street CSI Impound**

Date: 04/06/18 **Time: 1100** **Officer: OConnor # 336**

On 04/06/18 at approximately 1100 hours, I responded to the CSI vehicle impound lot (long term storage) at 450 7th Street, along with Officer Gomes # 911, Officer Syring # 4297 and Officer O'Neill # 1360 to inspect the bullet defects, in the hood of SFPD patrol vehicle lic # [redacted] The purpose of the inspection was to determine the directionality of the bullet path of two bullet ricochet defects marked "B" and "C".

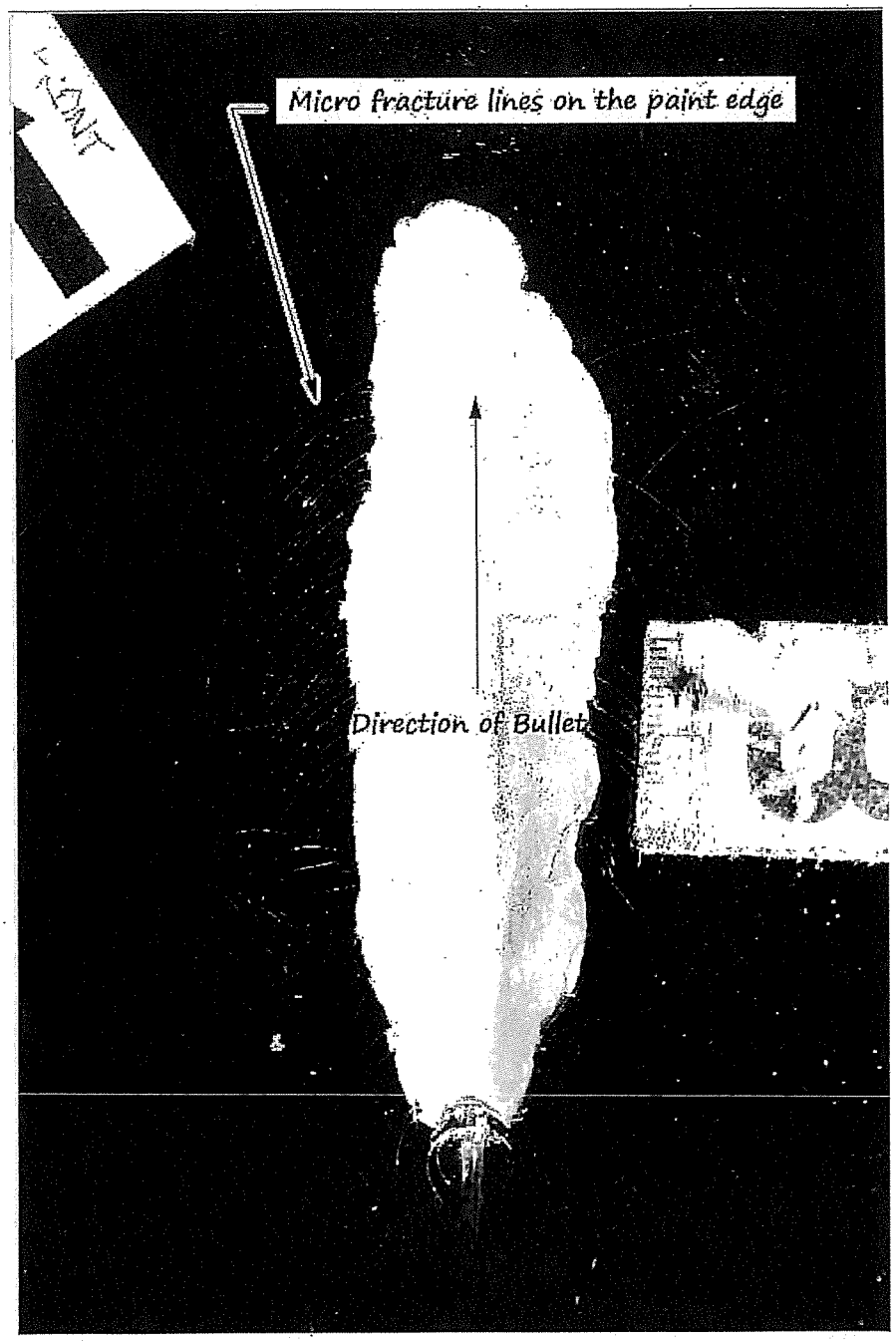
Officer O'Neill photographically documented the bullet defects. Officer Syring processed the defects with white magnetic powder to visually enhance the micro-fractures in the edges of the paint of the bullet ricochet defects. This processing revealed thin wave-like fractures in the paint, emanating from the defects and pointing in the direction of the bullet path. [1]



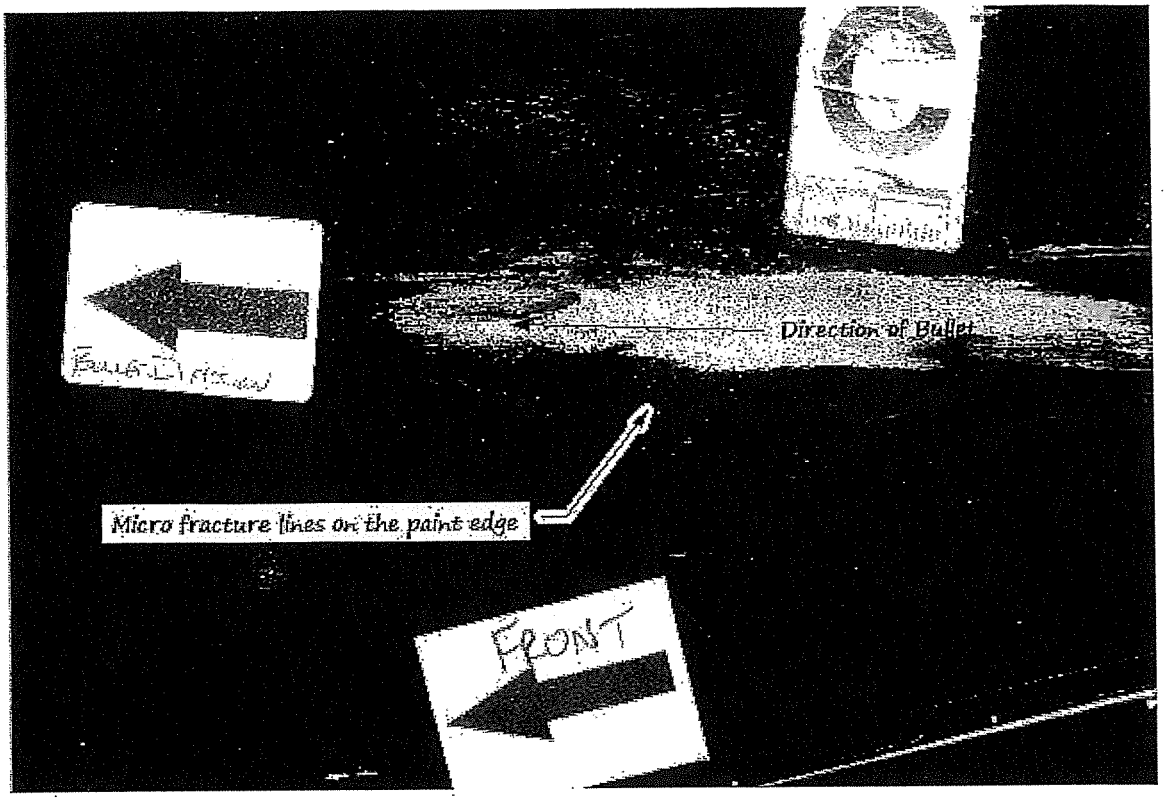
The fracture lines in the paint visible around the edges of the left hood of this ricochet site have been rendered visible by dusting the area with black finger print powder. These fracture lines can be thought of the shock waves radiating out from a bullet in flight. They establish the direction of travel for this bullet as left to right. Note that in this example there is no hard in mark or pinch point to aid in establishing the direction of travel.

[1] Haag, *Shooting Incident Reconstruction*, pg 133

It was determined that the bullet path of both defect "B" and "C" was from the hood toward the bumper (rear of vehicle toward front of vehicle).



Defect B



Defect C

O'Neill photographically documented the bullet defects depicting the wave-like fractures. Officer Syring then casted defects "B" and "C" with Accu-trans. The Accu-trans molds were booked into property control.

HOSTAGE AND BARRICADED SUSPECT INCIDENTS

This order specifies procedures for handling hostage and barricaded suspect incidents, establishes negotiation policies, and outlines the duties of responding officers.

I. DEFINITIONS

A. HOSTAGE INCIDENT. A hostage incident is a situation where a suspect holds another person against his/her will and where the suspect generally would be in violation of 236 P.C. (False Imprisonment).

B. BARRICADED SUSPECT INCIDENT. A barricaded suspect incident is a situation where a criminal, intent upon evading arrest, takes up a defensive position armed with a gun, explosive, or a weapon capable of harming others and presents a deadly hazard to arresting officers.

II. POLICY

A. HOSTAGE INCIDENTS. In the event that a person is being held hostage and normal police procedures fail to bring about his/her release, it is the policy of the San Francisco Police Department to use hostage negotiators to attempt a negotiated release of the hostage and the surrender of the suspect.

B. BARRICADED SUSPECT INCIDENTS. In the event that a suspect resists arrest by barricading himself, and normal police procedures fail to bring about his arrest, it is the policy of the San Francisco Police Department to use hostage negotiators to attempt a negotiated surrender.

C. NEGOTIATIONS POLICY

1. EVALUATION. **The Hostage Negotiation Team will evaluate all available information about the suspect and the situation, and will advise the Operational Commander of the potential for successful negotiation.**

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2. METHODS OF NEGOTIATIONS. **Negotiations will be conducted by telephone, field phone or by voice with negotiators in a secure position. Face-to-face negotiations shall be used only as a last resort and must be authorized by the Operational Commander with the concurrence of the Deputy Chief of Field Operations.**

3. DEMANDS. **The suspect's demands will be evaluated by the Hostage Negotiation Team and relayed to the Operational Commander. Hostage negotiators will not independently make any concessions; any decisions concerning concessions will be made by the Operational Commander.**

4. CESSATION OF NEGOTIATIONS. **If a hostage is seriously injured or killed, all negotiations for concessions will cease; however, the Hostage Negotiation Team may continue contact with the suspect in order to gain tactical advantage.**

5. NECESSARY FORCE. **Nothing in this order shall preclude officers from using necessary force to protect themselves and others from death or serious injury (see DGO 5.01, Use of Force and DGO 5.02, Use of Firearms).**

III. PROCEDURES

A. OFFICER'S DUTIES. When confronted with a hostage or barricaded suspect incident, follow these procedures:

1. NOTIFICATION. Notify Communications Division of the situation.

2. EVALUATION. Request that your field supervisor and the District Captain respond immediately to the scene. If the District Captain is not available, request that the lieutenant respond.

3. PERIMETER. Establish a perimeter around the location.

4. COMMAND POST. Establish a Command Post and notify Communications Division of its location and safe avenues of approach.

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B. DISTRICT CAPTAIN OR LIEUTENANT DUTIES

1. EVALUATE. After arriving at the scene, evaluate the situation, confirm that a hostage or barricaded suspect situation exists, and make the proper notifications (see DGO 8.01, Critical Incident Notification).

2. COMMAND. Assume command of the Field Command Post and the responsibility as the Operational Commander.

3. SPECIALIZED UNITS. Contact the Communications Division and request:

   a. Tactical Specialist Team

   b. Hostage Negotiation Team

   c. Special Operations Group SWAT Team

4. NOTIFICATION. Personally contact the Deputy Chief of the Field Operations Bureau and the Commander or, if applicable, the Night Captain. Use a cellular phone if available.

5. PERIMETER. Establish an outer perimeter

C. COMMAND POSTS. As the situation develops and various specialized units arrive at the scene, three separate command posts must be established. The locations of these command posts will be determined by the Operational Commander. Whether these three command posts are located together or at separate locations, a system of instantaneous and constant communication between all three must be developed.

1. OPERATIONAL COMMAND POST/FIELD COMMAND POST. The Operational Command Post will be the source of all command authority, decisions and media information. It is also responsible for establishing and maintaining an outer perimeter.

2. HOSTAGE NEGOTIATION COMMAND POST. The Hostage Negotiation Command Post reports directly to the Operational Commander and maintains constant contact with the Tactical Command Post. It is responsible for establishing contact with the suspect and will be the exclusive source of all negotiation with the suspect.

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3. TACTICAL COMMAND POST. The Tactical Command Post reports directly to the Operational Commander and maintains constant contact with the Hostage Negotiation Command Post. It is responsible for developing tactical plans that will gain advantage over the suspect and executing those plans with the approval of the Operational Commander.

References

Event Management Manual, SFPD
DGO 8.01, Critical Incident Evaluation and Notification
DGO 8.09, Media Relations

SFDPA - 0097-18 - 000226

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158

LONDON N. BREED
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

March 7, 2018

Investigator Candace M. Carpenter
Department of Police Accountability (DPA)
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Re: DPA #0097-18

Dear Investigator Carpenter:

The Legal Division received DPA Non-Routine Request dated 2/25/19 to **follow up on the NYA (Not Yet Available) documents. If available, please provide DPA copies. Also, items #42 and #43 were not sent to DPA. Please see attached.**

In regards to items #42 (Ballistics and Firearm Reports) and #43 (Gunshot Residue Analysis Report), both were marked incorrectly on the DPA-SFPD Document Request and Tracking form. The Ballistics and Firearm Reports were (NDITC) Not Done in This Case. The Gunshot Residue Analysis Report is (NYA) Not Yet Available. The Document Request and Tracking form has been updated to reflect the above.

In addition, other records have become available since the previous request: Medical Examiner's (ME) Register (#32), ME: Investigator's Report (#33), and ME: Toxicology Report (#35). All other previously marked NYA materials are still not yet available or do not apply to this case. An updated copy of the DPA-SFPD Document Request and Tracking form accompanies this correspondence.

If you have any questions or concerns, please contact Rena Faagau at (415) 837-7185.

Thank you for your attention to this matter.

Sincerely,

Lt. Kathryn Waaland

Lt. Kathryn Waaland
Officer in Charge
Risk Management – Legal

DPA-SFPD Document Request and Tracking For for OIS cases

DPA Case No. 0097-18

SFPD Case No. [redacted]

OCC Request Date 3/8/18

SFPD Response Date 3/27/18

IAD Investigator: Sgt. Pilar Torres

Homicide Investigator: Sgt. Gary Watts

NYA =Not Yet Available NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports	DPA req	Sent to DPA	Outstanding	Comments
1.Incident Report (IR)	x	x		sent 3/12/18
2.IR Attachment(s)	x	x		sent 3/12/18
3.Booked evidence in IR (statements, 849(b) etc.)	x	x		sent 3/27/18
4.IR Supplemental Report(s) & Attachment(s)	x	x		sent 3/12/18
5.Booked evidence listed in Supplemental IR	x	[redacted]		NDITC
6.Use of Force Log	x	x		sent 3/27/18
7.Station Property Log(s)	x	x		sent 3/27/18
8.Crime Scene Log	x	x		sent 3/27/18
9 .Crime Scene Report	x	x		sent 7/6/18
10.Crime Scene Diagram(s)	x			NYA
1 1.Crime Scene Photos	x			NYA
12.Bloodspatter Analysis Report	x	[redacted]		NDITC
13.DNA Analysis Report	x	[redacted]		NDITC
14.Videos SFPD made or obtained	x			NYA
15.Evidence Inventory & Processing (SFPD 235E)	x			NYA
16.Crime Laboratory Exam. Request (SFPD 64)	x	x		sent 7/6/18
17.Report of Laboratory Exam. (SFPD 64A)	x			NYA
18.ShotSpotter Detailed Forensic Report (digital copies,	x	[redacted]		NDITC
19.Training Records of OIS-involved member(s)	x	x		sent 3/27/18
20.Officer Range Summary Report	x	x		sent 7/6/18
21.Homicide: Chronology of OIS investigation	x	x		sent 7/6/18
22.Homicide: video/audio of OIS interview(s)	x			NYA
23.Homicide: Inspector(s)' interview notes	x	x		sent 7/6/18
24.Homicide: interview transcripts	x	[redacted]		NDITC
25.Homicide: investigative conclusion report	x			NYA
26.Internal Affairs Division (IAD): Chronology	x	x		sent 7/6/18
27.IAD: video/audio of interviews	x	x		sent 7/6/18
28.IAD: investigator's interview notes	x			NYA
29.IAD: interview transcripts	x	x		sent 7/6/18
30.IAD: investigative conclusion report	x			NYA
31.District Attorney's Letter of Evaluation of OIS	x			NYA
32.Medical Examiner's (ME) Register	x			NYA
33.ME: Investigator's Report	x			NYA
34. ME Autopsy Report				NYA
35.ME: Toxicology Report	x	x		sent 7/6/18
36.ME: Wound Trajectory Diagrams	x			NYA
37.ME: Evidence Log-Release Record	x	x		sent 7/6/18

DPA-SFPD Document Request and Tracking For for OIS cases

DPA Case No. 0097-18

SFPD Case No. [redacted]

OCC Request Date 8/22/18

SFPD Response Date 9/12/18

IAD Investigator: Sgt. Pilar Torres

Homicide Investigator: Sgt. Gary Watts

NYA =Not Yet Available NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports	DPA request	Sent to DPA	Outstanding Items	Comments
1.Incident Report (IR)	X	X		
2.IR Attachment(s)	X	X		
3.Booked evidence in IR (statements, 849(b) etc.)	X	X		
4.IR Supplemental Report(s) & Attachment(s)	X	X		
5.Booked evidence listed in Supplemental IR	X	[redacted]		NDITC
6.Use of Force Log	X	X		
7.Station Property Log(s)	X	X		
8.Crime Scene Log	X	X		
9 .Crime Scene Report	X	X		
10.Crime Scene Diagram(s)	X	X		sent 9/10/18
1 1.Crime Scene Photos	X	X		
12.Bloodspatter Analysis Report	X	[redacted]		NDITC
13.DNA Analysis Report	X	[redacted]		NDITC
14.Videos SFPD made or obtained	X	X		sent 9/10/18
15.Evidence Inventory & Processing (SFPD 235E)	X	X		sent 9/10/18
16.Crime Laboratory Exam. Request (SFPD 64)	X	X		
17.Report of Laboratory Exam. (SFPD 64A)	X	X		
18.ShotSpotter Detailed Forensic Report (digital copies, including audio)	X	[redacted]		NDITC
19.Training Records of OIS-involved member(s)	X	X		
20.Officer Range Summary Report	X	X		
21.Homicide: Chronology of OIS investigation	X	X		
22.Homicide: video/audio of OIS interview(s)	X	X		sent 9/10/18
23.Homicide: Inspector(s)' interview notes	X	X		
24.Homicide: interview transcripts	X	[redacted]		NDITC
25.Homicide: investigative conclusion report	X			NYA
26.Internal Affairs Division (IAD): Chronology	X	X		
27.IAD: video/audio of interviews	X	X		
28.IAD: investigator's interview notes	X			
29.IAD: interview transcripts	X	X		
30.IAD: investigative conclusion report	X			NYA
31.District Attorney's Letter of Evaluation of OIS	X			NYA
32.Medical Examiner's (ME) Register	X	[redacted]		NYA
33.ME: Investigator's Report	X			NYA
34. ME Autopsy Report	X			NYA
35.ME: Toxicology Report	X	X		
36.ME: Wound Trajectory Diagrams	X	[redacted]		NYA
37.ME: Evidence Log-Release Record	X	X		

38. ME: Investigator Notes	X	[redacted]		NYA
39.ME: Photos	X			NYA
40.ATF Firearms Worksheet	X	X		
40.Firearm Information Report (SFPD 235)	X	X		sent 9/10/18
41.Ballistics and Firearm Reports	X	X		
42.Gunshot Residue Analysis Reports	X	X		
43. Total Station Footage	X	[redacted]		NDITC
44. Total Station Reports and Analysis	X			NDITC
45. CAD Audio	X			request DEM
46. CAD Event Histories	X			request DEM
47. Unit Histories	X	X		
48. Google Maps of area	X	[redacted]		NDITC
49. Mugshots	X	X		
50. Criminal Histories	X	X		
51. San Francisco Field Arrest Card	X	[redacted]		NDITC
52. Gunshot Residue Data Sheet	X	X		
53. Material presented to Firearm Discharge Review Board	X			NYA
54. FDRB's findings and recommendations	X			NYA
55. BWC	X	X		
56. Supervisory Use of Force Evaluation Form	X	X		
57. Return to Duty Panel Report	X	X		

DPA-SFPD Document Request and Tracking Form for OIS cases
Revised 2/23/19 (RF)

DPA Case No. 0097-18
SFPD Case No. [redacted]
DPA Request Date: 12/10/18

DPA Investigator: Candace Carpenter
IAD Investigator: Sgt. Pilar Torres
Homicide Investigator: Sgt. Gary Watts
SFPD Response Date: 12/31/18 NYA =Not Yet Available
NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports

	DPA request √	Sent to DPA √	Comments: Outstanding Items √	Comments
1. Incident Report (IR)	X	X		
2. IR Attachment(s)	X	X		
3. Booked evidence in IR (statements, 849(b) etc.)	X	X		
4. IR Supplemental Report(s) & Attachment(s)	X	X		
5. Booked evidence listed in Supplemental IR	X			NDITC
6. Use of Force Log	X	X		
7. Station Property Log(s)	X	X		
8. Crime Scene Log	X	X		
9 . Crime Scene Report	X	X		
10.Crime Scene Diagram(s)	X	X		
11.Crime Scene Photos	X	X		
12. Bloodspatter Anaylsis Report	X			NDITC
13. DNA Analysis Report	X			NDITC
14.Videos SFPD made or obtained	X	X		
15.Evidence Inventory & Processing (SFPD 235E)	X	X		
16.Crime Laboratory Exam. Request (SFPD 64)	X	X		
17. Report of Laboratory Exam. (SFPD 64A)	X	X		
18.ShotSpotter Detailed Forensic Report (digital copies, including audio)	X			NDITC
19.Training Records of OIS-involved member(s)	X	X		
20.Officer Range Summary Report	X	X		
21.Homicide: Chronology of OIS investigation	X	X		
22.Homicide: video/audio of OIS interview(s)	X	X		
23.Homicide: Inspector(s)' interview notes	X	X		
24.Homicide: interview transcripts	X			NDITC
25.Homicide: investigative conclusion report	X			NYA
26.Internal Affairs Division (IAD): Chronology	X	X		
27.IAD: video/audio of interviews	X	X		
28.IAD: investigator's interview notes	X			NDITC, refer to transcripts
29.IAD: interview transcripts	X	X		
30.IAD: investigative conclusion report	X			NYA
31.District Attorney's Letter of Evaluation of OIS	X			NYA
32. Medical Examiner's (ME) Register	X			NYA
33. ME: Investigator's Report	X			NYA
34. ME: Autopsy Report	X			NYA
35. ME: Toxicology Report	X	X		

36. ME: Wound Trajectory Diagrams	X			NYA
37. ME: Evidence Log-Release Record	X	X		
38. ME: Investigator Notes	X			NYA
39. ME: Photos	X			NYA
40.ATF Firearms Worksheet	X			NYA
41.Firearm Information Report (SFPD 235)	X	X		
42. Ballistics and Firearm Reports	X			NYA
43. Gunshot Residue Analysis Reports	X			NYA
44. Total Station Footage	X			NDITC
45. Total Station Reports and Analysis	X			NDITC
46. CAD Audio	X			Request DEM
47. CAD Event Histories	X			Request DEM
48. Mugshots	X	X		
49. Criminal Histories	X	X		
50. San Francisco Field Arrest Card	X	X		
51. Gunshot Residue Data Sheet	X	X		
52. Materials presented to Firearm Discharge Review	X			NYA
53. FDRB's findings & recommendations	X			NYA
54. BWC	X	X		
55. Supervisory Use of Force Evaluation Form	X	X		
56. Return of Duty Panel Report	X	X		

OIS Documents, Evidence, and Reports	DPA Request √	Sent to DPA √	Outstanding Item	Comments
Total Station Footage	X			NDITC
Total Station Reports and Analysis	X			NDITC
Mugshots	X	X		
Criminal Histories	X	X		
San Francisco Field Arrest Card	X	X		
Gunshot Residue Data Sheet	X			NYA
Materials presented to Firearm Discharge Review	X			NYA
FDRB's findings & recommendations	X			NYA

DPA-SFPD Document Request and Tracking Form for OIS cases

DPA Case No. 0097-18
SFPD Case No. [redacted]
DPA Request Date: 12/10/18
SFPD Response Date: 12/31/18

DPA Investigator: Candace Carpenter
IAD Investigator: Sgt. Pilar Torres
Homicide Investigator: Sgt. Gary Watts
NYA =Not Yet Available NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports

	DPA Request √	Sent to DPA √	Outstanding Items √	Comments
1. Incident Report (IR)	X	X		
2. IR Attachment(s)	X	X		
3. Booked evidence in IR (statements, 849(b) etc.)	X	X		
4. IR Supplemental Report(s) & Attachment(s)	X	X		
5. Booked evidence listed in Supplemental IR	X			NDITC
6. Use of Force Log	X	X		
7. Station Property Log(s)	X	X		
8. Crime Scene Log	X	X		
9 . Crime Scene Report	X	X		
10.Crime Scene Diagram(s)	X	X		
11.Crime Scene Photos	X	X		
12. Bloodspatter Anaylsis Report	X			NDITC
13. DNA Analysis Report	X			NDITC
14.Videos SFPD made or obtained	X	X		
15.Evidence Inventory & Processing (SFPD 235E)	X	X		
16.Crime Laboratory Exam. Request (SFPD 64)	X	X		
17. Report of Laboratory Exam. (SFPD 64A)	X	X		
18.ShotSpotter Detailed Forensic Report (digital copies, including audio)	X			NDITC
19.Training Records of OIS-involved member(s)	X	X		
20.Officer Range Summary Report	X	X		
21.Homicide: Chronology of OIS investigation	X	X		
22.Homicide: video/audio of OIS interview(s)	X	X		
23.Homicide: Inspector(s)' interview notes	X	X		
24.Homicide: interview transcripts	X			NDITC
25.Homicide: investigative conclusion report	X			NYA
26.Internal Affairs Division (IAD): Chronology	X	X		
27.IAD: video/audio of interviews	X	X		
28.IAD: investigator's interview notes	X			NDITC, refer to transcripts
29.IAD: interview transcripts	X	X		
30.IAD: investigative conclusion report	X			NYA
31.District Attorney's Letter of Evaluation of OIS	X			NYA
32. Medical Examiner's (ME) Register	X			NYA
33. ME: Investigator's Report	X			NYA
34. ME: Autopsy Report	X			NYA
35. ME: Toxicology Report	X	X		

36. ME: Wound Trajectory Diagrams	X			NYA
37. ME: Evidence Log-Release Record	X	X		
38. ME: Investigator Notes	X			NYA
39. ME: Photos	X			NYA
40.ATF Firearms Worksheet	X			NYA
41.Firearm Information Report (SFPD 235)	X	X		
42. Ballistics and Firearm Reports	X	X		
43. Gunshot Residue Analysis Reports	X	X		
44. Total Station Footage	X			NDITC
45. Total Station Reports and Analysis	X			NDITC
46. CAD Audio	X			Request DEM
47. CAD Event Histories	X			Request DEM
48. Mugshots	X	X		
49. Criminal Histories	X	X		
50. San Francisco Field Arrest Card	X	X		
51. Gunshot Residue Data Sheet	X	X		
52. Materials presented to Firearm Discharge Review	X			NYA
53. FDRB's findings & recommendations	X			NYA
54. BWC	X	X		
55. Supervisory Use of Force Evaluation Form	X	X		
56. Return of Duty Panel Report	X	X		

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	SFPD	Homicide	Incident Report [redacted]			3/7/18		3/12/2018	
	SFPD	Homicide	Evidence for [redacted]						
	SFPD	Homicide	EVD 2 Property Receipt						
	SFPD	Homicide	EVD 3 Photo Disk						
	SFPD	Homicide	EVD 6 Video Surveillance						
	SFPD	Homicide	EVD 7 ACC Receipt						
	SFPD	Homicide	Crime Scene Report			3/8/18		3/27/2018	
	SFPD	Homicide	Crime Scene Log			3/8/18		3/27/2018	
	SFPD	Homicide	Crime Scene Diagrams			3/8/18	NYA		
	SFPD	Homicide	Crime Scene Response Forms						
	SFPD	Homicide	Crime Scene Photos			3/8/18	NYA		
	SFPD	Homicide	Bloodspatter Analysis Report		NDIC	3/8/18			X
	SFPD	Homicide	DNA Analysis report			3/8/18			
	SFPD	Homicide	Any SFPD Videos made or obtained.		NDIC	3/8/18			X
	SFPD	Homicide	Evidence Inventory & Processing (SFPD 235E)			3/8/18	NYA		
	SFPD	Homicide	Crime Laboratory Exam Request (SFPD 64)			3/818	NYA		
	SFPD	Homicide	Report of Laboratory Exam (SFPD 64A)			3/8/18	NYA		
	SFPD	Homicide	ShotSpotter Detailed Forensic Report		NDITC	3/8/18			X
	SFPD	Homicide	Chronological Report of Investigation			3/8/18	NYA		
	SFPD	Homicide	Public Safety Statement						
	SFPD	Homicide	OIS Interview Video and Audio			3/8/18	NYA		
	SFPD	Homicide	Homicide: Inspector(s)' interview notes			3/8/18	NYA		
	SFPD	Homicide	Homicide: interview transcripts			3/8/18	NYA		
	SFPD	Homicide	Final Homicide Inivestigative Report (Conclusion Report)			3/8/18	NYA		
	SFPD	Homicide	Updated Incident Report [redacted]						
	Medical Examiner	Medical Examiner	Medical Examiner's (ME) Register			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Investigator's Report			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Autopsy Report			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Toxicology Report			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Wound Trajectory Diagrams			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Evidence Log-Release Record			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Investigator Notes			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Photos			3/8/18	NYA		
	SFPD	IAD	Chronological Report of Investigation			3/8/18	NYA		
	SFPD	IAD	IAD Evidence						
	SFPD	IAD	CSI Report						
	SFPD	IAD	MF (modified force?)						
	SFPD	IAD	Crime Lab						
	SFPD	IAD	Video and Audio of Interviews			3/8/18	NYA		
	SFPD	IAD	Investigator's Interview Notes			3/8/18	NYA		
	SFPD	IAD	Interview Transcripts			3/8/18	NYA		
	SFPD	IAD	Investigative Conclusion Report			3/8/18	NYA		
	SFPD	IAD	IAD final report						
	SFPD		Post Discharge Debriefings Records						
	SFPD	Chief	Return to Duty (RTD) Panel recommendations					3/1418	
	District Attorney	IAD	Final DA report						
	District Attorney	IAD	District Attorney's Letter of Evaluation of OIS			3/8/18	NYA		
	District Attorney		District Attorney charging decision/letter						
	SFPD		Materials presented to Firearm Discharge Review Board (FDRB)						
	FDRB		Firearm Discharge Review Board (FDRB) findings			3/8/18	NYA		
	SFPD	Chief	Chief's findings						
	SFPD		ATF Firearms Worksheet			3/8/18	NYA		
			Firearm Information Report (SFPD 235)						
			Ballistics and Firearm Reports			3/8/18	NYA		
			Gunshot Residue Analysis Reports			3/8/18	NYA		
			Gunshot Residue Data Sheet			3/8/18	NYA		
			Total Station Footage			3/8/18	NYA		
			Total Station Reports and Analysis			3/8/18	NYA		
	SFPD	Records	Incident Report 000-000-000.						
	SFPD	Mission Station	Daily Equipment Sign Out Sheets			3/1/18		3/22/2018	
	SFPD	Mission Station	Use of Force Log			3/8/18		3/13/2018	
	SFPD	Legal	Supervision Use of Force Evaluation			3/22/18		3/27/2018	
	SFPD	Mission Station	Corrected Watch Report			3/21/18		3/22/2018	
	SFPD	Mission Station	Station Property Log			3/8/18		3/27/2018	
	SFPD	Website	SFPD Press Releases					Email/Online	
	Witness	Instagram	Witness video 1						
	Witness	SFPD	Witness video 2						
	Witness		Witness video 3, High Resolution)					3/9/2018	
	CLETS	Query	Criminal History Record for Jesus Delgado-Duarte (QRAP)						
	CLETS	Query	Criminal History Record for Other Involved Parties						

SFDPA - 0097-18 - 000236

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	CLETS	Query	Involvement History for Jesus Delgado-Duarte (QALL)						
	CLETS	Query	Initial Incident Report [redacted] (QIR)						
	CLETS	Query	Crime Scene Report and Crime Scene Report Supplemental						
	CLETS	Query	Property Report [redacted] (QPRL)						
	DEM	Query	CAD 180175220					3/7/2018	
	DEM	DEM	CAD Audio [redacted]			4/4/18			
	DEM	Query	Unit Histories						
	SFPD		MVT Messages relating to this event						
	SFPD	ID Bureau	Mugshots			3/21/18		3/22/2018	
	Google	Online	Google Maps		In file				
	SFPD	DGO	3.10 Firearm Discharge Review Board	Policy					
	SFPD	DGO	3.01 Written Communication System	Policy					
	SFPD	DGO	5.01 Use of Force	Policy					
	SFPD	DGO	5.02 Use of Firearms	Policy					
	SFPD	DGO	8.01 Critical Incident Evaluation and Notification	Policy					
	SFPD	DGO	8.04 Critical Incident Response Team	Policy					
	SFPD	DGO	8.11 Investigation of OIS and OID	Policy					
	SFPD	FOB	FOB Order 03-11 Use of Extended Range Impact Weapons	Policy					
	SFPD	FOB	FOB Order 04-03 Officer Involved Shootings	Policy					
	SFPD	DB	DB 11-230 OIS Public Safety Statement Card for Supervisors	Policy					
	SFPD	DB	DB 12-250 Rules, Protocol, and Procedures for Firearm Safety	Policy					
	SFPD	DB	DB 12-271 Protocol Changes Related to DGO 8.11	Policy					
	SFPD	DB	DB 14-014	Policy					
	SFPD	DB	DB 14-015	Policy					
	SFPD	DB	DB 14-111	Policy					
	SFPD	DB	DB 15-051	Policy					
	SFPD	DB	DB 15-106	Policy					
	SFPD	DB	DB 15-155	Policy					
	SFPD	DB	DB 15-128	Policy					
	SFPD	DB	DB 15-255	Policy					
	SFPD	Unknown	SFPD Officer Involved Shootings: A Five Year Study	Study					
	PERF		PERF Police Effectiveness Review	Study					
	PERF	Online	PERF Report on Use of Force Training - GOAL	Study					
	SFPD		Mission Community Meeting Exhibits 3/12/18		In file			Online	
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						

SFDPA - 0097-18 - 000237

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZTraining Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer [SUPERVISOR] Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer Charles XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZRange Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	City Attorney	Unknown	Gang Injunction List						
	City Attorney	Unknown	Gang Injunction Proof of Service						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer Charles August #1119 disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZdisciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ.						
					NYA =Not Yet Available NDITC=Not Done In This Case				
					DPA Case No. 0097-18				
					SFPD Case No. [redacted]				
					IAD Investigator Pilar				
					DPA Investigators Carpenter and Stoncipher				

SFDPA - 0097-18 - 000238

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	SFPD	Homicide	Incident Report [redacted]			3/7/18		3/12/2018	
	SFPD	Homicide	Evidence for [redacted]						
	SFPD	Homicide	EVD 2 Property Receipt						
	SFPD	Homicide	EVD 3 Photo Disk						
	SFPD	Homicide	EVD 6 Video Surveillance						
	SFPD	Homicide	EVD 7 ACC Receipt						
	SFPD	Homicide	Crime Scene Report			3/8/18		3/27/2018	
	SFPD	Homicide	Crime Scene Log			3/8/18		3/27/2018	
	SFPD	Homicide	Crime Scene Diagrams			3/8/18	NYA		
	SFPD	Homicide	Crime Scene Response Forms						
	SFPD	Homicide	Crime Scene Photos			3/8/18	NYA		
	SFPD	Homicide	Bloodspatter Analysis Report		NDIC	3/8/18			X
	SFPD	Homicide	DNA Analysis report			3/8/18			
	SFPD	Homicide	Any SFPD Videos made or obtained.		NDIC	3/8/18			X
	SFPD	Homicide	Evidence Inventory & Processing (SFPD 235E)			3/8/18	NYA		
	SFPD	Homicide	Crime Laboratory Exam Request (SFPD 64)			3/818	NYA		
	SFPD	Homicide	Report of Laboratory Exam (SFPD 64A)			3/8/18	NYA		
	SFPD	Homicide	ShotSpotter Detailed Forensic Report		NDITC	3/8/18			X
	SFPD	Homicide	Chronological Report of Investigation			3/8/18	NYA		
	SFPD	Homicide	Public Safety Statement						
	SFPD	Homicide	OIS Interview Video and Audio			3/8/18	NYA		
	SFPD	Homicide	Homicide: Inspector(s)' interview notes			3/8/18	NYA		
	SFPD	Homicide	Homicide: interview transcripts			3/8/18	NYA		
	SFPD	Homicide	Final Homicide Inivestigative Report (Conclusion Report)			3/8/18	NYA		
	SFPD	Homicide	Updated Incident Report [redacted]						
	Medical Examiner	Medical Examiner	Medical Examiner's (ME) Register			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Investigator's Report			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Autopsy Report			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Toxicology Report			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Wound Trajectory Diagrams			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Evidence Log-Release Record			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Investigator Notes			3/8/18	NYA		
	Medical Examiner	Medical Examiner	Photos			3/8/18	NYA		
	SFPD	IAD	Chronological Report of Investigation			3/8/18	NYA		
	SFPD	IAD	IAD Evidence						
	SFPD	IAD	CSI Report						
	SFPD	IAD	MF (modified force?)						
	SFPD	IAD	Crime Lab						
	SFPD	IAD	Video and Audio of Interviews			3/8/18	NYA		
	SFPD	IAD	Investigator's Interview Notes			3/8/18	NYA		
	SFPD	IAD	Interview Transcripts			3/8/18	NYA		
	SFPD	IAD	Investigative Conclusion Report			3/8/18	NYA		
	SFPD	IAD	IAD final report						
	SFPD		Post Discharge Debriefings Records						
	SFPD	Chief	Return to Duty (RTD) Panel recommendations					3/1418	
	District Attorney	IAD	Final DA report						
	District Attorney	IAD	District Attorney's Letter of Evaluation of OIS			3/8/18	NYA		
	District Attorney		District Attorney charging decision/letter						
	SFPD		Materials presented to Firearm Discharge Review Board (FDRB)						
	FDRB		Firearm Discharge Review Board (FDRB) findings			3/8/18	NYA		
	SFPD	Chief	Chief's findings						
	SFPD		ATF Firearms Worksheet			3/8/18	NYA		
			Firearm Information Report (SFPD 235)						
			Ballistics and Firearm Reports			3/8/18	NYA		
			Gunshot Residue Analysis Reports			3/8/18	NYA		
			Gunshot Residue Data Sheet			3/8/18	NYA		
			Total Station Footage			3/8/18	NYA		
			Total Station Reports and Analysis			3/8/18	NYA		
	SFPD	Records	Incident Report 000-000-000.						
	SFPD	Mission Station	Daily Equipment Sign Out Sheets			3/1/18		3/22/2018	
	SFPD	Mission Station	Use of Force Log			3/8/18		3/13/2018	
	SFPD	Legal	Supervision Use of Force Evaluation			3/22/18		3/27/2018	
	SFPD	Mission Station	Corrected Watch Report			3/21/18		3/22/2018	
	SFPD	Mission Station	Station Property Log			3/8/18		3/27/2018	
	SFPD	Website	SFPD Press Releases					Email/Online	
	Witness	Instagram	Witness video 1						
	Witness	SFPD	Witness video 2						
	Witness		Witness video 3, High Resolution)					3/9/2018	
	CLETS	Query	Criminal History Record for Jesus Delgado-Duarte (QRAP)						
	CLETS	Query	Criminal History Record for Other Involved Parties						

SFDPA - 0097-18 - 000239

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	CLETS	Query	Involvement History for Jesus Delgado-Duarte (QALL)						
	CLETS	Query	Initial Incident Report [redacted] (QIR)						
	CLETS	Query	Crime Scene Report and Crime Scene Report Supplemental						
	CLETS	Query	Property Report [redacted] (QPRL)						
	DEM	Query	CAD [redacted]					3/7/2018	
	DEM	DEM	CAD Audio [redacted]			4/4/18			
	DEM	Query	Unit Histories						
	SFPD		MVT Messages relating to this event						
	SFPD	ID Bureau	Mugshots			3/21/18		3/22/2018	
	Google	Online	Google Maps		In file				
	SFPD	DGO	3.10 Firearm Discharge Review Board	Policy					
	SFPD	DGO	3.01 Written Communication System	Policy					
	SFPD	DGO	5.01 Use of Force	Policy					
	SFPD	DGO	5.02 Use of Firearms	Policy					
	SFPD	DGO	8.01 Critical Incident Evaluation and Notification	Policy					
	SFPD	DGO	8.04 Critical Incident Response Team	Policy					
	SFPD	DGO	8.11 Investigation of OIS and OID	Policy					
	SFPD	FOB	FOB Order 03-11 Use of Extended Range Impact Weapons	Policy					
	SFPD	FOB	FOB Order 04-03 Officer Involved Shootings	Policy					
	SFPD	DB	DB 11-230 OIS Public Safety Statement Card for Supervisors	Policy					
	SFPD	DB	DB 12-250 Rules, Protocol, and Procedures for Firearm Safety	Policy					
	SFPD	DB	DB 12-271 Protocol Changes Related to DGO 8.11	Policy					
	SFPD	DB	DB 14-014	Policy					
	SFPD	DB	DB 14-015	Policy					
	SFPD	DB	DB 14-111	Policy					
	SFPD	DB	DB 15-051	Policy					
	SFPD	DB	DB 15-106	Policy					
	SFPD	DB	DB 15-155	Policy					
	SFPD	DB	DB 15-128	Policy					
	SFPD	DB	DB 15-255	Policy					
	SFPD	Unknown	SFPD Officer Involved Shootings: A Five Year Study	Study					
	PERF		PERF Police Effectiveness Review	Study					
	PERF	Online	PERF Report on Use of Force Training - GOAL	Study					
	SFPD		Mission Community Meeting Exhibits 3/12/18		In file			Online	
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						

SFDPA - 0097-18 - 000240

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZTraining Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer [SUPERVISOR] Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer Charles XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZRange Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	City Attorney	Unknown	Gang Injunction List						
	City Attorney	Unknown	Gang Injunction Proof of Service						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer Charles August #1119 disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZdisciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ.						
					NYA =Not Yet Available NDITC=Not Done In This Case				
					DPA Case No. 0097-18				
					SFPD Case No. [redacted]				
					IAD Investigator Pilar				
					DPA Investigators Carpenter and Stoncipher				

SFDPA - 0097-18 - 000241

From: Faagau, Rena (POL)
To: Carpenter, Candace (DPA)
Subject: Re: DPA 0097-18 Document Request
Date: Saturday, February 23, 2019 8:53:41 AM
Attachments: image001.png
DPA #0097-18 DPA-SFPD OIS Document Request.docx

Hi Candace,

I realized I never responded to this email. Sorry about that.

Reviewing our file, I discovered I was unable to locate the Ballistics and Firearm Report (#42) and Gunshot Residue Analysis Report (#43) as well. It appears the tracking form was marked incorrectly. I apologize for that error. If/When you send in another "Follow-up" request for this case, I can inquire with the investigator if those documents was ever received.

I attached the revised Document Request Tracking Form for your records.

Thank you.

Sincerely,

[redacted]
Senior Legal Process Clerk
San Francisco Police Department
Legal Division
1245 Third Street, 4th Floor
San Francisco, CA 94158
office: (415) 837-7394
desk: (415) 837-7185

From: Carpenter, Candace (DPA)
Sent: Tuesday, January 8, 2019 7:46 AM
To: Faagau, Rena (POL)
Subject: DPA 0097-18 Document Request

Good morning Rena,

The DPA-SFPD Document Request and Tracking Form for OIS cases indicate that DPA received the Ballistics and Firearm Report (#42) and Gunshot Residue Analysis Report (#43). However, I do not have a record of when those documents were sent and I am unable to locate those documents. At your earliest convenience, please send #42 and #43.

Best Regards,

Candace Carpenter
Senior Investigator
DEPARTMENT OF POLICE ACCOUNTABILITY
CITY AND COUNTY OF SAN FRANCISCO
25 VAN NESS AVENUE, SUITE 700
San Francisco, CA 94102-6058
Tel: (415) 241-7711
Fax: (415) 241-7733
(TTY) 415.241.7770
www.sfgov.org/dpa

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San Francisco Department of Police Accountability

Paul David Henderson
Executive Director

DPA REQUEST FOR:

DEM RECORDS

Via Facsimile (415) 558-3869

Date: 04/04/18

TO: Department of Emergency Management
Custodian of Records

FROM: Candace Carpenter, Investigator

SUBJECT: Request for Communications Data

DPA CASE #: 0097-18

I am currently investigating the above-referenced DPA complaint and would like to review the following data:

DATE/ TIME: March 6, 2018 at 2234hrs
LOCATION: Capp Street
CAD NO: [redacted]
INCIDENT REPORT #: [redacted]

INCIDENT DESCRIPTION: Robbery w/ a gun

MATERIAL REQUESTED:

CAD printout
Communications tape

Thank you for your assistance. Please contact me at (415) 241-7734 or candace.carpenter@sfgov.org if you have any questions.

DPA
San Francisco Department of Police Accountability

Paul David Henderson
Executive Director

Monday, August 19, 2019

Office of the Chief Medical Examiner
General Services Agency
City and County of San Francisco
Hall of Justice
850 Bryant Street - North Terrace
San Francisco, CA 94103

Re: DPA Case No. 0097-18

Dear Nina Fiore,

The Department of Police Accountability is a City and County of San Francisco agency, staffed by civilian investigators, and responsible for investigating members of the San Francisco Police Department. We received a complaint regarding a March 6, 2018 incident, involving Jesus Adolfo Delgado Duarte. Please provide a copy of the medical report done by your office.

This information is pertinent to an investigation of police misconduct. Please contact me at (415) 241-7735 or candace.carpenter@sfgov.org if you have any questions. Your help is greatly appreciated. Thank you for your attention in this important matter.

Sincerely,

Candace Carpenter
Senior Investigator

DPA
San Francisco Department of Police Accountability

Paul David Henderson
Executive Director

Monday, August 19, 2019

Office of the Chief Medical Examiner
General Services Agency
City and County of San Francisco
Hall of Justice
850 Bryant Street - North Terrace
San Francisco, CA 94103

Re: DPA Case No. 0097-18

Dear Nina Fiore,

The Department of Police Accountability is a City and County of San Francisco agency, staffed by civilian investigators, and responsible for investigating members of the San Francisco Police Department. We received a complaint regarding Incident Report No. [redacted], dated March 6, 2018, involving decedent, Jesus Delgado-Duarte. Please provide a copy of the medical report done by your office.

This information is pertinent to an investigation of police misconduct. Please contact me at (415) 241-7735 or candace.carpenter@sfgov.org if you have any questions. Your help is greatly appreciated. Thank you for your attention in this important matter.

Sincerely,

Candace Carpenter
Investigator

Enclosure (1)

DPA
San Francisco Department of Police Accountability

Paul David Henderson
Executive Director

Date: 08/19/2019 at 14:19

Officer in Charge, Legal Division
San Francisco Police Department
Headquarters
1245 3rd Street
San Francisco, CA 94158

VIA FACSIMILE: (415) 553-1999

Re: DPA Case Number 0097-18
Non-Routine Request

The Department of Police Accountability is investigating the above-referenced case. Please provide by mail or fax (241-7733) the following documents:

We had previously requested Sergeant George Perez #739 homicide interview which we did receive. That file is corrupted. We are requesting another copy of Sergeant George Perez's homicide interview regarding incident report #[redacted]

This request is made in compliance with SFPD-DPA Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

[redacted]

Matt Stonecipher, Investigator
Direct: 415-241-7755
matt.stonecipher@sfgov.org

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Interim Executive Director

Date: 03/22/2018 09:24

Officer In Charge, Legal Division
San Francisco Police Department
Headquarters
1245 Third Street
San Francisco, CA 94158
VIA FACSIMILE: (415) 553-1999

Re: DPA Case No.: 0097-18
Non-Routine Request

The Department of Police Accountability is conducting an investigation of the above-referenced case. Please provide by [redacted]

This request is made in compliance with SFPD-DPA Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

Carpenter
DPA Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org/dpa

(SFPD) 0097-18

DPA-SFPD Document Request and Tracking Form for OIS cases

DPA Case No. 0097-18 DPA Investigator: Candace Carpenter
SFPD Case No. [redacted]
DPA Request Date: 3/8/18

NYA =Not Yet Available NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports	DPA request √	Sent to DPA √	Outstanding Items √	Comments
1. Incident Report (IR)				
2. IR Attachment(s)				
3. Booked evidence in IR (statements, 849(b) etc.)				
4. IR Supplemental Report(s) & Attachment(s)				
5. Booked evidence listed in Supplemental IR				
6. Use of Force Log				
7. Station Property Log(s)				
8. Crime Scene Log				
9 .Crime Scene Report				
10.Crime Scene Diagram(s)				
11.Crime Scene Photos				
12.Bloodspatter Analysis Report				
13.DNA Analysis Report				
14.Videos SFPD made or obtained				
15.Evidence Inventory & Processing (SFPD 235E)				
16.Crime Laboratory Exam. Request (SFPD 64)				
17.Report of Laboratory Exam. (SFPD 64A)				
18.ShotSpotter Detailed Forensic Report (digital copies, including audio)				
19.Training Records of OIS-involved member(s)				
20.Officer Range Summary Report				
21.Homicide: Chronology of OIS investigation				
22.Homicide: video/audio of OIS interview(s)				
23.Homicide: Inspector(s)' interview notes				
24.Homicide: interview transcripts				
25.Homicide: investigative conclusion report				
26.Internal Affairs Division (IAD): Chronology				
27.IAD: video/audio of interviews				
28.IAD: investigator's interview notes				
29.IAD: interview transcripts				
30.IAD: investigative conclusion report				
31.District Attorney's Letter of Evaluation of OIS				
32.Medical Examiner's (ME) Register				
33.ME: Investigator's Report				
34.ME: Autopsy Report				
35.ME: Toxicology Report				
36.ME: Wound Trajectory Diagrams				
37.ME: Evidence Log-Release Record				
38.ME: Investigator Notes				
39.ME: Photos				
39.ATF Firearms Worksheet				
40.Firearm Information Report (SFPD 235)				
41. Ballistics and Firearm Reports				
42. Gunshot Residue Analysis Reports				

OIS Documents, Evidence, and Reports	DPA Request √	Sent to DPA √	Outstanding Item	Comments
43. Total Station Footage				
44. Total Station Reports and Analysis				
45. CAD Audio				
46. CAD Event Histories				
47.Unit Histories				
49. Google Maps of area				
50.MVT Messages relating to this event				
51.Mugshots				
52.Criminal Histories				
53.San Francisco Field Arrest Card				
54. Gunshot Residue Data Sheet				
56.Materials presented to Firearm Discharge Review Board (FDRB)				
57. FDRB's findings & recommendations				
58. BWC				
59. Supervisor Use of Force Evaluation				
60. Return to Duty Panel Report				

Revised: 03/08/18

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Interim Executive Director

Date: 03/22/2018 09:24

Officer In Charge, Legal Division
San Francisco Police Department
Headquarters
1245 Third Street
San Francisco, CA 94158
VIA FACSIMILE: (415) 553-1999

Re: DPA Case No.: 0097-18
Non-Routine Request

The Department of Police Accountability is conducting an investigation of the above-referenced case. Please provide by mail (DPA address) the following documents:

[redacted]

This request is made in compliance with SFPD-DPA Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

Carpenter
DPA Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org/dpa

(415) 241-7733 - TTY (415) 241-7770

0097-18 Evidence and Resource Requests

Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
SFPD	Homicide	Incident Report [redacted]			3/7/18		3/12/2018	
SFPD	Homicide	Evidence for [redacted]						
SFPD	Homicide	EVD 2 Property Receipt						
SFPD	Homicide	EVD 3 Photo Disk						
SFPD	Homicide	EVD 6 Video Surveillance						
SFPD	Homicide	EVD 7 ACC Receipt						
SFPD	Homicide	Crime Scene Report			3/8/18		3/27/2018	
SFPD	Homicide	Crime Scene Log			3/8/18		3/27/2018	
SFPD	Homicide	Crime Scene Diagrams			3/8/18	NYA		
SFPD	Homicide	Crime Scene Response Forms						
SFPD	Homicide	Crime Scene Photos			3/8/18	NYA		
SFPD	Homicide	Bloodspatter Analysis Report		NDIC	3/8/18			X
SFPD	Homicide	DNA Analysis report			3/8/18			
SFPD	Homicide	Any SFPD Videos made or obtained.		NDIC	3/8/18			X
SFPD	Homicide	Evidence Inventory & Processing (SFPD 235E)			3/8/18	NYA		
SFPD	Homicide	Crime Laboratory Exam Request (SFPD 64)			3/818	NYA		
SFPD	Homicide	Report of Laboratory Exam (SFPD 64A)			3/8/18	NYA		
SFPD	Homicide	ShotSpotter Detailed Forensic Report		NDITC	3/8/18			X
SFPD	Homicide	Chronological Report of Investigation			3/8/18	NYA		
SFPD	Homicide	Public Safety Statement						
SFPD	Homicide	OIS Interview Video and Audio			3/8/18	NYA		
SFPD	Homicide	Homicide: Inspector(s)' interview notes			3/8/18	NYA		
SFPD	Homicide	Homicide: interview transcripts			3/8/18	NYA		
SFPD	Homicide	Final Homicide Inivestigative Report (Conclusion Report)			3/8/18	NYA		
SFPD	Homicide	Updated Incident Report [redacted]						
Medical Examiner	Medical Examiner	Medical Examiner's (ME) Register			3/8/18	NYA		
Medical Examiner	Medical Examiner	Investigator's Report			3/8/18	NYA		
Medical Examiner	Medical Examiner	Autopsy Report			3/8/18	NYA		
Medical Examiner	Medical Examiner	Toxicology Report			3/8/18	NYA		
Medical Examiner	Medical Examiner	Wound Trajectory Diagrams			3/8/18	NYA		
Medical Examiner	Medical Examiner	Evidence Log-Release Record			3/8/18	NYA		
Medical Examiner	Medical Examiner	Investigator Notes			3/8/18	NYA		
Medical Examiner	Medical Examiner	Photos			3/8/18	NYA		
SFPD	IAD	Chronological Report of Investigation			3/8/18	NYA		
SFPD	IAD	IAD Evidence						
SFPD	IAD	CSI Report						
SFPD	IAD	MF (modified force?)						
SFPD	IAD	Crime Lab						
SFPD	IAD	Video and Audio of Interviews			3/8/18	NYA		
SFPD	IAD	Investigator's Interview Notes			3/8/18	NYA		
SFPD	IAD	Interview Transcripts			3/8/18	NYA		
SFPD	IAD	Investigative Conclusion Report			3/8/18	NYA		
SFPD	IAD	IAD final report						
SFPD		Post Discharge Debriefings Records						
SFPD	Chief	Return to Duty (RTD) Panel recommendations					3/1418	
District Attorney	IAD	Final DA report						
District Attorney	IAD	District Attorney's Letter of Evaluation of OIS			3/8/18	NYA		
District Attorney		District Attorney charging decision/letter						
SFPD		Materials presented to Firearm Discharge Review Board (FDRB)						
FDRB		Firearm Discharge Review Board (FDRB) findings			3/8/18	NYA		
SFPD	Chief	Chief's findings						
SFPD		ATF Firearms Worksheet			3/8/18	NYA		
		Firearm Information Report (SFPD 235)						
		Ballistics and Firearm Reports			3/8/18	NYA		
		Gunshot Residue Analysis Reports			3/8/18	NYA		
		Gunshot Residue Data Sheet			3/8/18	NYA		
		Total Station Footage			3/8/18	NYA		
		Total Station Reports and Analysis			3/8/18	NYA		
SFPD	Records	Incident Report 000-000-000.						
SFPD	Mission Station	Daily Equipment Sign Out Sheets			3/1/18		3/22/2018	
SFPD	Mission Station	Use of Force Log			3/8/18		3/13/2018	
SFPD	Legal	Supervision Use of Force Evaluation			3/22/18		3/27/2018	
SFPD	Mission Station	Corrected Watch Report			3/21/18		3/22/2018	
SFPD	Mission Station	Station Property Log			3/8/18		3/27/2018	
SFPD	Website	SFPD Press Releases					Email/Online	
Witness	Instagram	Witness video 1						
Witness	SFPD	Witness video 2						
Witness		Witness video 3, High Resolution)					3/9/2018	
CLETS	Query	Criminal History Record for Jesus Delgado-Duarte (QRAP)						
CLETS	Query	Criminal History Record for Other Involved Parties						

SFDPA - 0097-18 - 000252

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	CLETS	Query	Involvement History for Jesus Delgado-Duarte (QALL)						
	CLETS	Query	Initial Incident Report [redacted] (QIR)						
	CLETS	Query	Crime Scene Report and Crime Scene Report Supplemental						
	CLETS	Query	Property Report [redacted] (QPRL)						
	DEM	Query	CAD 180175220					3/7/2018	
	DEM	DEM	CAD Audio [redacted]			4/4/18			
	DEM	Query	Unit Histories						
	SFPD		MVT Messages relating to this event						
	SFPD	ID Bureau	Mugshots			3/21/18		3/22/2018	
	Google	Online	Google Maps		In file				
	SFPD	DGO	3.10 Firearm Discharge Review Board	Policy					
	SFPD	DGO	3.01 Written Communication System	Policy					
	SFPD	DGO	5.01 Use of Force	Policy					
	SFPD	DGO	5.02 Use of Firearms	Policy					
	SFPD	DGO	8.01 Critical Incident Evaluation and Notification	Policy					
	SFPD	DGO	8.04 Critical Incident Response Team	Policy					
	SFPD	DGO	8.11 Investigation of OIS and OID	Policy					
	SFPD	FOB	FOB Order 03-11 Use of Extended Range Impact Weapons	Policy					
	SFPD	FOB	FOB Order 04-03 Officer Involved Shootings	Policy					
	SFPD	DB	DB 11-230 OIS Public Safety Statement Card for Supervisors	Policy					
	SFPD	DB	DB 12-250 Rules, Protocol, and Procedures for Firearm Safety	Policy					
	SFPD	DB	DB 12-271 Protocol Changes Related to DGO 8.11	Policy					
	SFPD	DB	DB 14-014	Policy					
	SFPD	DB	DB 14-015	Policy					
	SFPD	DB	DB 14-111	Policy					
	SFPD	DB	DB 15-051	Policy					
	SFPD	DB	DB 15-106	Policy					
	SFPD	DB	DB 15-155	Policy					
	SFPD	DB	DB 15-128	Policy					
	SFPD	DB	DB 15-255	Policy					
	SFPD	Unknown	SFPD Officer Involved Shootings: A Five Year Study	Study					
	PERF		PERF Police Effectiveness Review	Study					
	PERF	Online	PERF Report on Use of Force Training - GOAL	Study					
	SFPD		Mission Community Meeting Exhibits 3/12/18		In file			Online	
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						

SFDPA - 0097-18 - 000253

0097-18 Evidence and Resource Requests

	Category/ Source	Division/ Location	Evidence/Resource	Type	Notes	Request Date	Outstanding	Received	n/a
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZTraining Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer XYZ Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Academy	Officer [SUPERVISOR] Training Records						
	SFPD	Academy	Use of Force						
	SFPD	Academy	BWC						
	SFPD	Academy	ERIW						
	SFPD	Academy	Shooting range						
	SFPD	Academy	FATS						
	SFPD	Academy	Pepper Spray						
	SFPD	Academy	AO Training						
	SFPD	Academy	Roll Call Trainings						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer Charles XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	SFPD	Range	Officer XYZRange Summary Report						
	SFPD	Range	Officer XYZ Range Summary Report						
	City Attorney	Unknown	Gang Injunction List						
	City Attorney	Unknown	Gang Injunction Proof of Service						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer Charles August #1119 disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZdisciplinary records						
	SFPD	IAD	Officer XYZ disciplinary records						
	SFPD	IAD	Officer XYZ.						
					NYA =Not Yet Available NDITC=Not Done In This Case				
					DPA Case No. 0097-18				
					SFPD Case No. [redacted]				
					IAD Investigator Pilar				
					DPA Investigators Carpenter and Stoncipher				

SFDPA - 0097-18 - 000254

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Interim Executive Director

Date: 03/22/2018 09:24

Officer In Charge, Legal Division
San Francisco Police Department
Headquarters
1245 Third Street
San Francisco, CA 94158
VIA FACSIMILE: (415) 553-1999

Re: DPA Case No.: 0097-18
Non-Routine Request

The Department of Police Accountability is conducting an investigation of the above-referenced case. Please provide by mail (DPA address) the following documents:

[redacted]

This request is made in compliance with SFPD-DPA Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

Carpenter
DPA Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org/dpa

(415) 241-7733 - TTY (415) 241-

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Interim Executive Director

Date: 03/22/2018 09:24

Officer In Charge, Legal Division
San Francisco Police Department
Headquarters
1245 Third Street
San Francisco, CA 94158
VIA FACSIMILE: (415) 553-1999

Re: DPA Case No.: 0097-18
Non-Routine Request

The Department of Police Accountability is conducting an investigation of the above-referenced case. Please provide by mail (DPA address) the following documents:

[redacted]

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Sincerely,

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DPA Investigator

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WEBSITE: http://www.sfgov.org/dpa

(415) 241-7733 - TTY (415) 241-7770

DPA-SFPD Document Request and Tracking For for OIS cases

DPA Case No. 0097-18

SFPD Case No. [redacted]

OCC Request Date 8/22/18

SFPD Response Date 9/12/18

IAD Investigator: Sgt. Pilar Torres

Homicide Investigator: Sgt. Gary Watts

NYA =Not Yet Available NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports	DPA request	Sent to DPA	Outstanding Items	Comments
1.Incident Report (IR)	X	X		
2.IR Attachment(s)	X	X		
3.Booked evidence in IR (statements, 849(b) etc.)	X	X		
4.IR Supplemental Report(s) & Attachment(s)	X	X		
5.Booked evidence listed in Supplemental IR	X	[redacted]		NDITC
6.Use of Force Log	X	X		
7.Station Property Log(s)	X	X		
8.Crime Scene Log	X	X		
9 .Crime Scene Report	X	X		
10.Crime Scene Diagram(s)	X	X		sent 9/10/18
1 1.Crime Scene Photos	X	X		
12.Bloodspatter Analysis Report	X	[redacted]		NDITC
13.DNA Analysis Report	X	[redacted]		NDITC
14.Videos SFPD made or obtained	X	X		sent 9/10/18
15.Evidence Inventory & Processing (SFPD 235E)	X	X		sent 9/10/18
16.Crime Laboratory Exam. Request (SFPD 64)	X	X		
17.Report of Laboratory Exam. (SFPD 64A)	X	X		
18.ShotSpotter Detailed Forensic Report (digital copies, including audio)	X	[redacted]		NDITC
19.Training Records of OIS-involved member(s)	X	X		
20.Officer Range Summary Report	X	X		
21.Homicide: Chronology of OIS investigation	X	X		
22.Homicide: video/audio of OIS interview(s)	X	X		sent 9/10/18
23.Homicide: Inspector(s)' interview notes	X	X		
24.Homicide: interview transcripts	X	[redacted]		NDITC
25.Homicide: investigative conclusion report	X			NYA
26.Internal Affairs Division (IAD): Chronology	X	X		
27.IAD: video/audio of interviews	X	X		
28.IAD: investigator's interview notes	X			
29.IAD: interview transcripts	X	X		
30.IAD: investigative conclusion report	X			NYA
31.District Attorney's Letter of Evaluation of OIS	X			NYA
32.Medical Examiner's (ME) Register	X	[redacted]		NYA
33.ME: Investigator's Report	X			NYA
34. ME Autopsy Report	X			NYA
35.ME: Toxicology Report	X	X		
36.ME: Wound Trajectory Diagrams	X	[redacted]		NYA
37.ME: Evidence Log-Release Record	X	X		

38. ME: Investigator Notes	X	[redacted]		NYA
39.ME: Photos	X			NYA
40.ATF Firearms Worksheet	X	X		
40.Firearm Information Report (SFPD 235)	X	X		sent 9/10/18
41.Ballistics and Firearm Reports	X	X		
42.Gunshot Residue Analysis Reports	X	X		
43. Total Station Footage	X	[redacted]		NDITC
44. Total Station Reports and Analysis	X			NDITC
45. CAD Audio	X			request DEM
46. CAD Event Histories	X			request DEM
47. Unit Histories	X	X		
48. Google Maps of area	X	[redacted]		NDITC
49. Mugshots	X	X		
50. Criminal Histories	X	X		
51. San Francisco Field Arrest Card	X	[redacted]		NDITC
52. Gunshot Residue Data Sheet	X	X		
53. Material presented to Firearm Discharge Review Board	X			NYA
54. FDRB's findings and recommendations	X			NYA
55. BWC	X	X		
56. Supervisory Use of Force Evaluation Form	X	X		
57. Return to Duty Panel Report	X	X		

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Interim Executive Director

Date: 03/22/2018 09:24

Officer In Charge, Legal Division
San Francisco Police Department
Headquarters
1245 Third Street
San Francisco, CA 94158
VIA FACSIMILE: (415) 553-1999

Re: DPA Case [redacted]
Non-Routine Request

The Department of Police Accountability is conducting an investigation of the above-referenced case. Please provide by mail (DPA address) the following documents:

[redacted]

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Sincerely,

Carpenter
DPA Investigator

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WEBSITE: http://www.sfgov.org/dpa

DPA-SFPD Document Request and Tracking Form for OIS cases

DPA Case No. 0097-18
SFPD Case No. [redacted]
DPA Request Date: 12/10/18
SFPD Response Date: 12/31/18

DPA Investigator: Candace Carpenter
IAD Investigator: Sgt. Pilar Torres
Homicide Investigator: Sgt. Gary Watts
NYA =Not Yet Available NDITC=Not Done In This Case

OIS Documents, Evidence, and Reports

	DPA Request ✓	Sent to DPA ✓	Outstanding Items ✓	Comments
1. Incident Report (IR)	X	X		
2. IR Attachment(s)	X	X		
3. Booked evidence in IR (statements, 849(b) etc.)	X	X		
4. IR Supplemental Report(s) & Attachment(s)	X	X		
5. Booked evidence listed in Supplemental IR	X			NDITC
6. Use of Force Log	X	X		
7. Station Property Log(s)	X	X		
8. Crime Scene Log	X	X		
9 . Crime Scene Report	X	X		
10.Crime Scene Diagram(s)	X	X		
11.Crime Scene Photos	X	X		
12. Bloodspatter Anaylsis Report	X			NDITC
13. DNA Analysis Report	X			NDITC
14.Videos SFPD made or obtained	X	X		
15.Evidence Inventory & Processing (SFPD 235E)	X	X		
16.Crime Laboratory Exam. Request (SFPD 64)	X	X		
17. Report of Laboratory Exam. (SFPD 64A)	X	X		
18.ShotSpotter Detailed Forensic Report (digital copies, including audio)	X			NDITC
19.Training Records of OIS-involved member(s)	X	X		
20.Officer Range Summary Report	X	X		
21.Homicide: Chronology of OIS investigation	X	X		
22.Homicide: video/audio of OIS interview(s)	X	X		
23.Homicide: Inspector(s)' interview notes	X	X		
24.Homicide: interview transcripts	X			NDITC
25.Homicide: investigative conclusion report	X			NYA
26.Internal Affairs Division (IAD): Chronology	X	X		
27.IAD: video/audio of interviews	X	X		
28.IAD: investigator's interview notes	X			NDITC, refer to transcripts
29.IAD: interview transcripts	X	X		
30.IAD: investigative conclusion report	X			NYA
31.District Attorney's Letter of Evaluation of OIS	X			NYA
32. Medical Examiner's (ME) Register	X			NYA
33. ME: Investigator's Report	X			NYA
34. ME: Autopsy Report	X			NYA
35. ME: Toxicology Report	X	X		

36. ME: Wound Trajectory Diagrams	X			NYA
37. ME: Evidence Log-Release Record	X	X		
38. ME: Investigator Notes	X			NYA
39. ME: Photos	X			NYA
40.ATF Firearms Worksheet	X			NYA
41.Firearm Information Report (SFPD 235)	X	X		
42. Ballistics and Firearm Reports	X	X		
43. Gunshot Residue Analysis Reports	X	X		
44. Total Station Footage	X			NDITC
45. Total Station Reports and Analysis	X			NDITC
46. CAD Audio	X			Request DEM
47. CAD Event Histories	X			Request DEM
48. Mugshots	X	X		
49. Criminal Histories	X	X		
50. San Francisco Field Arrest Card	X	X		
51. Gunshot Residue Data Sheet	X	X		
52. Materials presented to Firearm Discharge Review	X			NYA
53. FDRB's findings & recommendations	X			NYA
54. BWC	X	X		
55. Supervisory Use of Force Evaluation Form	X	X		
56. Return of Duty Panel Report	X	X		

DEPARTMENT OF POLICE ACCOUNTABILITY

CITY AND COUNTY OF SAN FRANCISCO

Paul Henderson
Interim Executive Director

Date: 03/22/2018 09:24

Officer In Charge, Legal Division
San Francisco Police Department
Headquarters
1245 Third Street
San Francisco, CA 94158
VIA FACSIMILE: (415) 553-1999

Re: DPA Case No.: 0097-18
Non-Routine Request

The Department of Police Accountability is conducting an investigation of the above-referenced case. Please provide by mail (DPA address) the following documents:

[redacted]

This request is made in compliance with SFPD-DPA Document Protocol. Thank you for your assistance with this investigation.

Sincerely,

Carpenter
DPA Investigator

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 · TELEPHONE (415) 241-7711 · FAX (415) 241-7733 · TTY (415) 241-7770
WEBSITE: http://www.sfgov.org/dpa

(415) 241-7733 - TTY (415) 241-7770

DPA Routine Document Request

To: Mission Station

Date/Time: 03/08/2018 18:28 Investigator: Carpenter Phone #: 415-241-7735

SFPD Incident #: [redacted] DPA Case #: 0097-18

Comments:

Deliver Documents:
- [x] Fax DPA: 241-7733
- [ ] 25 Van Ness #700, 94102

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- ☐ Public Intoxication Report (SFPD Form 69)
- ☐ Ride-along Request and Review (SFPD Form 84)
- ☐ Roll call training logs
- ☐ Secondary Employment Application (SFPD Form 156)
- ☐ SFPD Dismissal Request (SFPD Form 256)
- ☐ SFPD officer photographs
- ☐ SFPD officer weight and height descriptions
- ☐ Station Arrest Logs
- ☐ Strip search authorization form (SFPD Form 305)
- ☐ Traffic Collision Reports (CHP555, 555-03 & 556)
- ☐ Traffic Court Report (SFPD Form 295)
- ☐ Unit Orders
- ☒ Use of force logs (SFPD Form 128)
- ☐ Verification of latent fingerprint request (SFPD Form 235)(not including results)
- ☐ Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474)

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	PARK STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	4/3/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Tuesday, April 9, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	SEAN O'ROURKE #2214	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/17/2019 at 1:00 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293 and allegation form

San Francisco Department of Police Accountability

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	PARK STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	4/3/2019
DPA CASE NO.:	**0097-18**

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NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	SEAN O'ROURKE #2214	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/17/2019 at 1:00 PM	

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ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293 and allegation form

Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

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Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18

Incident Report or Citation No. [redacted]

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Sean O'Rourke #2214	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	CED COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Wednesday, March 27, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER CORBYN CARROLL #987	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/8/2019 at 2:30 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts.

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	CED COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

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DATE AND TIME OF INTERVIEW:	4/8/2019 at 2:30 PM	

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ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts.

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

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NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER STEPHEN CASSINELLI #1104	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/9/2019 at 7:00 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

San Francisco Department of Police Accountability

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FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

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NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER STEPHEN CASSINELLI #1104	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/9/2019 at 7:00 PM	

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ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

Department of Police Accountability

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Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

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101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18

Incident Report or Citation No. [redacted]

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Stephen Cassinelli #1104	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SGT. PILAR TORRES: Okay. Today's--okay, so this interview's regarding Internal Affairs Case Number [redacted]. This interview is taking place at the Office of Internal Affairs Division. Today's date is May 14th, 2018. The time is approximately 12:44 hours. Conducting this interview is Sergeant Pilar Torres. I work for the Internal Affairs Division of the San Francisco Police Department. I've been designated by the Chief of Police to conduct this investigation. The member being interviewed, sir, would you state and spell your name and star number, please?

OFFICER STEPHEN CASSINELLI: Stephen Cassinelli. Star 1104. Cassinelli, C-A-S-S-I-N-E-L-L-I.

SGT. TORRES: Who is the named member of this matter. Representing Officer Cassinelli is?

ATTY. ANTHONY BRASS: Tony Brass of 3223 Webster Street, San Francisco, 94123.

SGT. TORRES: Also present from the Internal Affairs Division is?

SGT. PAUL OSPITAL: Sergeant Paul Ospital. Star number 121.

SGT. TORRES: Okay. And then there is no one else present currently. Officer Cassinelli, have

you read the Department--the SFPD Complaint Form regarding the allegation of misconduct MCD Report?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Have you read and do you understand Department General Order 2.08 and Government Code 3303, Subsection E?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. And have you read and do you understand--I'm sorry. Have you read and do you understand Department General Order 2.01, Rule 21?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. And Rule 49? And if you're not familiar with those, I have them right here, if you'd like to take a look--

OFFICER CASSINELLI: Okay. I'd like to [UNINTELLIGIBLE]--

SGT. TORRES: Yeah, yeah, absolutely.

OFFICER CASSINELLI: [UNINTELLIGIBLE]

SGT. TORRES: Yeah, 21 and 49. 21 and 49 and basically it's--we expect you to cooperate with the investigation.

OFFICER CASSINELLI: Gotcha.

SGT. TORRES: And then if you want to flip to 49, once you're done reading that?

SFDPA - 0097-18 - 000282

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Because this is a confidential investigation, I'm ordering you not to speak to anybody about this interview, obviously except your Counsel. Do you understand?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. You understand that this interview is being recorded?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Officer Cassinelli, because you--there may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these rights that I have explained to you?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. With these rights in mind, do you want to speak with me right now?

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. If the officer--I'm sorry. While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative

SFDPA - 0097-18 - 000283

investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you on the behalf of the Chief of Police to answer my questions in this Administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment. Any statements you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally unless you choose to testify in such a criminal case. Your statements and any information you provide will be held confidential, consistent with the California Constitution, Article 1, Section 1, and the San Francisco City Charter and Administrative Code. And will not be divulged except as required by law. To end, do you understand this order?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Officer Cassinelli, will you answer my questions as ordered at this time?

OFFICER CASSINELLI: Yes.

SFDPA - 0097-18 - 000284

SGT. TORRES: Okay. Officer Cassinelli, as you know, I monitored your voluntary interview with the Homicide Detail conducted on March 8th. And I've given you the transcripts of the interview. Have you had an opportunity to review those transcripts?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. It is not uncommon after a life-threatening encounter as the body works through the natural releases of adrenaline and other physiological reactions, that additional things are remembered or memories and perceptions become clear. Having reviewed your interview, is there anything that was not covered in your interview that you'd like to add to the record at this time or is there anything you'd like to clarify for the record?

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Before we get into the heart of the interview, I'd like to briefly affirm some of the information that you conveyed that

SFDPA - 0097-18 - 000285

night, as I understand it. Your name is Stephen Cassinelli, star number 1104. Yeah, 1104. With a date of birth of [redacted]?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. You entered the Department approximately [redacted]?

OFFICER CASSINELLI: Yes.

SGT. TORRES: You currently worked at Mission Station?

OFFICER CASSINELLI: Yes.

SGT. TORRES: At that time?

OFFICER CASSINELLI: And you had approximately less than six months at Mission Station?

SGT. TORRES: Yes.

OFFICER CASSINELLI: Okay.

SGT. TORRES: And at that time you worked midnights from 21 to 07?

OFFICER CASSINELLI: Yes.

SGT. TORRES: And at that night--on that night, you were wearing a Class B uniform?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Your partner was Officer Tupper and you had Officer Sean Casey riding along with you?

OFFICER CASSINELLI: Cody.

SFDPA - 0097-18 - 000286

SGT. TORRES: I'm sorry. Officer Sean Cody. Thank you. And as a unit, you guys were working as 3 David 13 Edward?

OFFICER CASSINELLI: Yes.

SGT. TORRES: And you had your Sig 226 with you?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Did your car have an EIRW? If you recall.

OFFICER CASSINELLI: Yeah, I can't remember. I want to say yes, just because we're required to have one so it may have been in the trunk at the time. Or it may have been in the racks. I can't-- I don't remember.

SGT. TORRES: Okay. But you physically, in this encounter, no EIRW?

OFFICER CASSINELLI: Like handling one? Like--

SGT. TORRES: Yes.

OFFICER CASSINELLI: [UNINTELLIGIBLE]

SGT. TORRES: Unit deployed one.

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. And you didn't deploy a rifle?

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. You were utilizing

SFDPA - 0097-18 - 000287

vehicle black-and-white 067?

OFFICER CASSINELLI: Yes.

SGT. TORRES: And it did not have a cage.

OFFICER CASSINELLI: Correct.

SGT. TORRES: Yeah, okay. You were the driver?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Prior to the incident that night, when was the last time that you responded to the range to qual. If you recall.

OFFICER CASSINELLI: Let's see. I think that was my qual month so it would have been six months prior. So yeah, so [UNINTELLIGIBLE] was sent back in September of--

SGT. TORRES: So--

OFFICER CASSINELLI: September of '17?

SGT. TORRES: Okay.

OFFICER CASSINELLI: Approximately.

SGT. TORRES: Okay. Do you have any previous law enforcement experience?

OFFICER CASSINELLI: No.

SGT. TORRES: Any prior military experience?

OFFICER CASSINELLI: No.

SGT. TORRES: You know, I have--you having been at Mission for just six months but your

SFDPA - 0097-18 - 000288

cumulative time in the Department at that time, how long had you been in it?

OFFICER CASSINELLI: Basic start date of--with the Department or street time or--

SGT. TORRES: Just with the Department.

OFFICER CASSINELLI: Approximately two and a half years.

SGT. TORRES: Okay. Are you currently under the care of a doctor for any injury or illness?

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. Are you currently taking any prescribed medication or over-the-counter medication at this time?

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. The night of the incident, how many hours did you sleep prior to the start of your shift?

OFFICER CASSINELLI: Probably six or seven.

SGT. TORRES: Okay. And prior to the start of your shift, when was the last time you had eaten or had you eaten prior to that shift, prior to the incident.

OFFICER CASSINELLI: I definitely had had a couple meals prior to the shift and then--

SGT. TORRES: Had you eaten after the start

of your shift, prior to the incident?

OFFICER CASSINELLI: You know, if it was, it was only a snack, so not a full meal but I can't really remember.

SGT. TORRES: Okay. And typically before you--if you don't recall specifically, typically do you eat before you come into work? Do you--what's your normal?

OFFICER CASSINELLI: I usually, you know, wake up. Make myself some food. Tend to go work out before every shift.

SGT. TORRES: Okay.

OFFICER CASSINELLI: If, you know, if I have a minute, I'll eat a little something after just depending on how busy it is.

SGT. TORRES: Okay. Okay. Officer Cassinelli, do you wear corrective lenses?

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. And do you--at that time, not today. I already asked you about today. At that time were you taking any medication?

OFFICER CASSINELLI: No.

SGT. TORRES: Did you consume or have any other controlled substances--did you consume any alcohol or have any other controlled substances in

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your body that night?

OFFICER CASSINELLI: No.

SGT. TORRES: The equipment you had on that night, did you have as radio?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. How about--what other force options did you have on your person?

OFFICER CASSINELLI: Extended baton or collapsible baton, OC spray, it might be on my person.

SGT. TORRES: Okay. That's pretty much it.

OFFICER CASSINELLI: Yeah.

SGT. TORRES: Do you carry any extra magazines other than what you are assigned or issued?

OFFICER CASSINELLI: No, just the two that were assigned and then, the one and the Sig.

SGT. TORRES: Okay. You carry the prescribed handcuffs?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Any other restraints?

OFFICER CASSINELLI: I do carry a hobble.

SGT. TORRES: Okay.

SGT. OSPITAL: A what?

OFFICER CASSINELLI: A hobble. It's like a

rope to tie feet or [UNINTELLIGIBLE] subjects and--
[UNINTELLIGIBLE]

SGT. TORRES: Officer Cassinelli, are you right-handed?

OFFICER CASSINELLI: Left-handed.

SGT. TORRES: Oh, you're left-handed. And the night of the incident, your firearm, was it fully loaded?

OFFICER CASSINELLI: Yes.

SGT. TORRES: So there would have been 12 and 1?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. And you're--full magazines?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Additional magazines were full?

OFFICER CASSINELLI: Yeah.

SGT. TORRES: Any modifications to your handgun that you're aware of?

OFFICER CASSINELLI: No.

SGT. TORRES: Do you carry a personal or a secondary firearm?

OFFICER CASSINELLI: On duty?

SGT. TORRES: Yes, on duty.

OFFICER CASSINELLI: No.

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SGT. TORRES: So Officer Cassinelli, in your own words tell me why you're here today.

OFFICER CASSINELLI: It's another step in the process based off the situation that happened. Any time feel like you discharged your weapon, there's always gonna be an Internal Affairs investigation that follows.

SGT. TORRES: And by that you mean you're here regarding the Officer-Involved Shooting on Capp Street, March 6th, 2018?

OFFICER CASSINELLI: Yes.

SGT. TORRES: That's what we're here to discuss.

OFFICER CASSINELLI: Yes. Definitely. Yeah.

SGT. TORRES: All right. Give me a brief summary of the incident that happened that night.

OFFICER CASSINELLI: My partner and Officer Cody and I were all on patrol. We were in the area of 21st and Capp driving, you know, westbound 21st. As soon as we got to the intersection, we were flagged down. There were several people. We go up to see what's going on, still in the car. Then a couple people approached the vehicle. And they're all pointing at an individual who's running away and I was trying to get some more info and all we

can get, because I believe all they were was Spanish-speaking, and they all were just yelling, "pistola". And pointing at this guy who was running away, so--at the time that's all we had and so we continued to follow the individual, followed him all the way up until we saw him jump in the back of a--what appeared to be an awaiting car.

SGT. TORRES: Okay.

OFFICER CASSINELLI: Tried to effect a traffic stop. The guy is trying to continue, closed the trunk of the car. The car eventually does veer over to the side and pull over. Effect a felony stop. The driver gets detained. And we put all our focus on the individual that's in the truck. I gave him multiple commands in English to, you know, comply with all the orders I was giving him. Believing that he might not be--only Spanish speaker, we had a Spanish interpreter get on the PA, trying to give him additional commands. He again did not follow any of the commands. One of the officers deployed a less-lethal. A EIRW round at him. Shortly after he made an explosive movement out of the trunk. Extended his arm directly at us. I saw what was a flash and, you know, fearing for my life and everyone else around,

I fired back.

SGT. TORRES: Okay. So Officer Cassinelli, you drew your firearm?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Can you tell me why?

OFFICER CASSINELLI: Just because the basic input that we had was regarding a firearm so obviously if someone has a firearm, my best defense is going to be as well as a firearm, if the potential suspect has one so--

SGT. TORRES: Okay.

OFFICER CASSINELLI: At that time, with the information that we had, I felt my best option was to point a firearm at the individual.

SGT. TORRES: Okay.

OFFICER CASSINELLI: That situation so--

SGT. TORRES: And why did you start firing?

OFFICER CASSINELLI: Because I was--when I saw this guy making explosive movement out of the car, we had knowledge that he had a possible gun on him, and as soon as I saw a muzzle flash, I knew that he had just fired at us. And then that's why I fired.

SGT. TORRES: All right. So at that time, tell me what's going on in your mind.

OFFICER CASSINELLI: I mean, it was a long

process just because we were able to get the first guy out of the car so it seemed like forever and just based off the guy's reactions, I mean, usually people that haven't done anything wrong or that, you know, go with the program tend to be all right. So this guy, you know, was not following any kind of commands, wasn't going along with the program, we kind of knew something else was up or had a feeling at least.

SGT. TORRES: Okay.

OFFICER CASSINELLI: So I mean at that time, it started to stretch a little bit longer and longer, you know, and--makes you think a little bit more so that this might actually be, you know, a legit situation, kind of he might actually have a gun, he might actually do something with it.

SGT. TORRES: Right.

OFFICER CASSINELLI: So, I mean, gun was just pointing at him the whole time and it wasn't until that moment where he does make that explosive movement, fires, that say, no, this is real and this guy is trying to kill us and--that's why we--that's why I fired, so--

SGT. TORRES: Okay. Were you--I mean--were you afraid?

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OFFICER CASSINELLI: Oh, of course. I mean, I thought I was gonna die.

SGT. TORRES: Okay.

OFFICER CASSINELLI: Yeah.

SGT. TORRES: When you fired, Officer Cassinelli, did you use your sights? Did you acquire a sight picture?

OFFICER CASSINELLI: From what I remember, yes.

SGT. TORRES: Okay. Did you use two hands?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. So we already talked about that you fired and why'd you start firing and, you know, what was going through your mind. Can you tell me why you stopped firing?

OFFICER CASSINELLI: I stopped firing initially to make a mag change and reloaded. I didn't hear any more shots persist from the area of the trunk so at that point there was no more threat so I didn't feel any need to fire additional shots.

SGT. TORRES: Okay. So in essence, you ran out of ammunition.

OFFICER CASSINELLI: Hm-hmm.

SGT. TORRES: You did a mag change. You reassessed and the threat was no longer there.

OFFICER CASSINELLI: Yes.

SGT. TORRES: Is that accurate?

OFFICER CASSINELLI: Yeah.

SGT. TORRES: So what were you shooting at?

OFFICER CASSINELLI: I was shooting at the individual in the trunk.

SGT. TORRES: The person with the gun.

OFFICER CASSINELLI: The person with the gun, yeah, who fired at us.

SGT. TORRES: Okay. What was your back drop, if you know?

OFFICER CASSINELLI: So I think the way we were positioned, it was mostly buildings. We were at a little bit of an angle so kind of visual guy so-- half of the building line and then where I was specifically was just a long stretch of buildings, sidewalk, multiple parked cars, anything like that.

SGT. TORRES: So you took that into consideration.

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Prior to the shooting, did you hear anyone from the vehicle say anything?

OFFICER CASSINELLI: Right when we, you know, started feeling stop the driver was kind of sides halfway out of the car and he was trying to, you know, talk to us, saying, "What's going on?" and

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that kind of whole thing but, I mean, specifically that was about it. Just there--

SGT. TORRES: Was there anything else?

OFFICER CASSINELLI: Just the little communication with the driver and that was it.

SGT. TORRES: Okay.

OFFICER CASSINELLI: Yeah.

SGT. TORRES: So when the driver was removed, and you were focusing in on the individual in the trunk, there was nothing, and you didn't hear anything after that?

OFFICER CASSINELLI: Well, I heard the individual in the trunk, you know, mumble some things, kind of [UNINTELLIGIBLE]. I mean, I never heard specifically what he was saying, like anything clearly so, and again, I think I said I couldn't even recall if it was in English or in Spanish but, I mean, I did hear something coming from him. I just don't know what it was.

SGT. TORRES: Okay. Did you see the vehicle--did you see the female in the rear of the vehicle? And if so, when?

OFFICER CASSINELLI: It wasn't till after the shots were fired. I had no idea she was in until after, that's when I heard her screaming.

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SGT. TORRES: Did anyone tell you that there was someone in their [NOISE] [UNINTELLIGIBLE] passenger compartment of the vehicle?

OFFICER CASSINELLI: Based off my memory, no. But after reviewing some of the body camera footage, I mean, it clearly states that I think someone says, possibly an X in the back of the car, but on scene that never clicked. I never actually heard it. So.

SGT. TORRES: While on scene did you receive any direction from anyone?

OFFICER CASSINELLI: Before the shooting?

SGT. TORRES: Yes.

OFFICER CASSINELLI: In regards, like, directions, told to do something or--

SGT. TORRES: Yes.

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. Who was senior in the car? Between Officer Tupper, yourself, and Officer Cody? Or do you even know?

OFFICER CASSINELLI: I mean, I believe it was Officer Cody. But--

SGT. TORRES: Officer Cody?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Is he--you say that because--

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what makes you think he's--

OFFICER CASSINELLI: Well, I just know he got in before me.

SGT. TORRES: And Officer Tupper is--

OFFICER CASSINELLI: That's it.

SGT. TORRES: I'm sorry?

OFFICER CASSINELLI: [UNINTELLIGIBLE]

SGT. TORRES: Yeah.

OFFICER CASSINELLI: Okay.

SGT. TORRES: Yeah.

OFFICER CASSINELLI: Yeah, no, that's--yeah, I know Officer Cody's senior. I'm in the middle. And then Officer Tupper came in after me.

SGT. TORRES: Okay.

OFFICER CASSINELLI: Yeah.

SGT. TORRES: While this was evolving, did you discuss a plan of action with anybody?

OFFICER CASSINELLI: From the time we got flagged down till the--

SGT. TORRES: Yeah. Was--were you communicating with any officers or did you hear any of the officers communicating a plan or what if type situation?

OFFICER CASSINELLI: Just before, after, kind of--are you talking about just with us three before

we jumped out or--

SGT. TORRES: At any time when, you know, you're--at any time when you started the 585 until after the shooting.

OFFICER CASSINELLI: I mean, from what I can remember, just basic stuff. I mean, I was obviously the one kind of [UNINTELLIGIBLE] the whole thing. I was the driver. I put out the basic information what we had.

SGT. TORRES: Right.

OFFICER CASSINELLI: Since all my focus was, you know, giving the individuals commands, I didn't really have time to talk about the incident with anybody else. We did have a quick little--I mean, I wouldn't say I planned it but just to get the driver detained, as I was giving him, you know, instructions, where to go and everything, I just kind of checked, just kind of talking out loud, like saying, "Hey, do we have an arrest team for this guy," and obviously there was one right there but in terms of anything, other plans, nah, I don't think so. No.

SGT. TORRES: Okay.

OFFICER CASSINELLI: I was just giving commands the whole time.

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SGT. TORRES: But people were--they were--
they were feeding off the instructions you're
giving the occupants of the car. Is that accurate?
I mean, you were initially giving the orders and at
one point I know you talked about, you know,
there's a couple officers to your left. And I
think you had mentioned something about an arrest
team but so it seemed like the officers were
feeding off what you were kind of doing. I mean,
they--you had the lead, correct?

OFFICER CASSINELLI: Yeah. I would say I had
the lead.

SGT. TORRES: Until, obviously, there was the
thought of, okay, they may not understand me.

OFFICER CASSINELLI: Yeah.

SGT. TORRES: And then, okay. At that time,
do you know who was in charge of the incident, if
anyone?

OFFICER CASSINELLI: Supervisor or like a--

SGT. TORRES: Yes, yes.

OFFICER CASSINELLI: I don't know.

SGT. TORRES: Oh, okay.

OFFICER CASSINELLI: Yeah.

SGT. TORRES: At any time, did you--do you
know if a supervisor was on scene?

OFFICER CASSINELLI: At any time?

SGT. TORRES: Yes.

OFFICER CASSINELLI: Yeah. There was definitely multiple supervisors at the--

SGT. TORRES: Okay. At what point was there a supervisor on scene?

OFFICER CASSINELLI: Gosh. I don't know. Just 'cause, I mean, I was--pretty much from the time of the 585 at the start till the shoot, I never took my eyes off the car so I don't know who was around--

SGT. TORRES: Okay.

OFFICER CASSINELLI: When they got there, anything like that.

SGT. TORRES: Okay. But you didn't hear--did you hear anybody giving directions as if a supervisor was on scene?

OFFICER CASSINELLI: No.

SGT. TORRES: Okay. So Officer Cassinelli, do you think any other forms of force options were available to you?

OFFICER CASSINELLI: No, not at the time--

SGT. TORRES: Okay.

OFFICER CASSINELLI: Unless he didn't shoot, then, no.

SGT. TORRES: Okay. Can you discuss the reasonableness, the feasibility of those other options that you had, those other possible options or their applications in this situation? I mean, if it wasn't feasible, can you tell me why?

OFFICER CASSINELLI: For what? Just all of us or uses of force?

SGT. TORRES: Yes.

OFFICER CASSINELLI: Obviously, I mean, pepper spray, whenever we're dealing with the possible suspect with a gun we're not gonna use pepper spray. We're too far away from him. Again, to go up and use any kind of close-range impact weapon like a baton or anything like that, if indeed he does have a gun. The ERIW I thought was a good use of force, just to--appear compliance-based, to try to get him just to comply, just because it seemed like we were already standing still but, again, no, not at the time. I didn't think that any--less use of force would have been appropriate.

SGT. TORRES: Okay. From the time that you initiated the 585 to the shots being fired, if you can recall, from what your memory is, how long did that take?

OFFICER CASSINELLI: Gosh, I want to say maybe

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five to ten minutes at the most, approximately.

SGT. TORRES: And how about the whole thing? By the time, you know, the car's cleared and, you know, how much longer--from the time you did the 585 till the car was clear, what would you say that timeframe would--was, that you can recall?

OFFICER CASSINELLI: You know, I have no idea. If, I mean, just--if I think that the time from the 585 till the shots is approximately five to ten minutes, it only took actually maybe, you know, seconds after the shots were fired to clear the car, make sure everything was all right, so couple minutes after maybe, top, again, between maybe ten and fifteen then?

SGT. TORRES: Okay.

OFFICER CASSINELLI: For the whole.

SGT. TORRES: Okay. I know earlier you stated that you were focused on the vehicle. Did you happen to see other officers who may or may not have been behind cover concealment?

OFFICER CASSINELLI: Based off my memory, no. I can--

SGT. TORRES: Okay.

OFFICER CASSINELLI: I mean--

SGT. TORRES: Outside of the arrest team?

OFFICER CASSINELLI: No. Again, like, I mean, I was just really focused on the car so from what I remember I was just focused on them and then, yeah, I mean, I do remember the arrest team going in but--

SGT. TORRES: Okay.

OFFICER CASSINELLI: Yeah. Other than that, I don't know.

SGT. TORRES: So you didn't see anybody who was neither behind cover nor concealment?

OFFICER CASSINELLI: From where I was, no, I couldn't. Because I was looking at the car.

SGT. TORRES: Okay. Did you happen to give a public safety statement?

OFFICER CASSINELLI: I did.

SGT. TORRES: And to whom?

OFFICER CASSINELLI: Oh, man, I want to say it was--it was one of my sergeants. I don't remember exactly who it was.

SGT. TORRES: Okay.

OFFICER CASSINELLI: Maybe Sergeant Shugars? It was either Sergeant Shugars or Sergeant [UNINTELLIGIBLE]. One of the two.

SGT. TORRES: Okay. And obviously you had turned on your BWC?

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OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. Were you separated and monitored?

OFFICER CASSINELLI: Yes.

SGT. TORRES: After the shooting?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Who monitored you?

OFFICER CASSINELLI: Aaron Cowhig from Northern Station.

SGT. TORRES: Okay. Did you discuss this incident with anyone prior to meeting with Counsel?

OFFICER CASSINELLI: No.

SGT. TORRES: Did you suffer any physical injuries as a result of this incident?

OFFICER CASSINELLI: No.

SGT. TORRES: Has the incident impacted you in other ways? Like a loss of sleep or appetite?

OFFICER CASSINELLI: No.

SGT. TORRES: Have you been involved in previous critical incidents? Prior to this?

OFFICER CASSINELLI: Yeah. Nothing to this extent but I was at the--the OIS a couple weeks prior, the [Arby] one? And on scene right before the shots were fired, we were right on the corner so I heard everything but never actually saw

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anything so I just wrote a quick statement but--

SGT. TORRES: Did you attend that debriefing at BSU?

OFFICER CASSINELLI: No, I didn't.

SGT. TORRES: Okay.

OFFICER CASSINELLI: They just had their, just minor critical incidents, the barricaded suspects, things like that but--those are the first two shootings that I've been involved in.

SGT. TORRES: Are you aware that Department resources are available, such as VACU, employees' assistant program, and that the Department offers counseling to officers that, you know, go through traumatic incidents like this?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. All right.

SGT. OSPITAL: Just got a couple, just kind of quick. You said initially when you got flagged down, and then you said you saw somebody running to a car. And I think you said something--I, not that I think, you did say that they jumped into a--into the trunk, correct?

OFFICER CASSINELLI: Yes.

SGT. OSPITAL: And then as you tried to effect the stop, you said you said somebody was trying to

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close a trunk?

OFFICER CASSINELLI: Hm-hmm.

SGT. OSPITAL: Was that the same person that you saw go into the trunk or was there somebody-- was there anybody else there or--

OFFICER CASSINELLI: Yeah, no. It was the same guy [UNINTELLIGIBLE]--

SGT. OSPITAL: The same guy--

OFFICER CASSINELLI: The same guy I saw jump in the trunk was trying to close it repeatedly and he just wasn't able to do it.

SGT. OSPITAL: And that was the same person that--the individuals that flagged you down--

OFFICER CASSINELLI: No, no, no. Just--

SGT. OSPITAL: That jumped into the trunk, I mean. The person that was in the trunk trying to shut it was the same person that the people that flagged you down said was--

OFFICER CASSINELLI: Was the guy that started running away, yeah.

SGT. OSPITAL: Okay, okay. And then you said you fired back. Who did you fire--and then why? You said you fired back.

OFFICER CASSINELLI: I fired--well, I mean, just, you know, I fired because I fired--I saw him

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fire so I shot in defense of myself.

SGT. OSPITAL: Okay.

OFFICER CASSINELLI: At the person who was shooting at us.

SGT. OSPITAL: Okay. And then just to elaborate, just to--you said an explosive movement. What was that? Can you kind of just describe what that explosive movement was?

OFFICER CASSINELLI: Yeah, sure. So pretty much the whole time he was in the trunk, he was kind of halfway on his back, halfway on his right side of his body. Again, hiding his left hand in and out of concealment. And just never really moving from that position, it was just kind of tough to see it--halfway on his right, halfway on the back, and then finally when he got hit with the Extended Range Impact Weapon, so when he just kind of crunched down, you know, we saw his left hand again disappear and then just kind of, I mean, all in one movement, just rotate to the right, extended his arm, looked like he was coming out of the trunk. And that's when I saw the muzzle flash.

SGT. OSPITAL: You saw him coming out with the hand. Which hand was that?

OFFICER CASSINELLI: His left hand.

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SGT. OSPITAL: His left hand?

OFFICER CASSINELLI: Yeah.

SGT. OSPITAL: And then right after that motion came out, what did you see?

OFFICER CASSINELLI: Uh, I think a muzzle flash.

SGT. OSPITAL: Okay.

OFFICER CASSINELLI: Yeah.

SGT. OSPITAL: And then that's at that point is when you--

OFFICER CASSINELLI: Is when I started firing.

SGT. OSPITAL: Okay. And then you said Officer Cowhig met with you?

OFFICER CASSINELLI: Yes.

SGT. OSPITAL: From BSU and was he with you where--where were you taken after the scene?

OFFICER CASSINELLI: Back to the station. Then I was taken up into, I think the communication room.

SGT. OSPITAL: Okay.

OFFICER CASSINELLI: And that's where I was just sitting.

SGT. TORRES: That's [UNINTELLIGIBLE].

SGT. OSPITAL: Okay.

SGT. TORRES: Tony?

ATTY. BRASS: I have nothing else. Thank you.

SGT. TORRES: Okay. So Officer Cassinelli, is there any other information relevant to this incident that I haven't asked you about that you believe may aid me in my administrative investigation?

OFFICER CASSINELLI: No, I don't believe so.

SGT. TORRES: No. Okay. Okay, because this is a confidential investigation, you are ordered not to speak about this interview to anyone other than your representative. Do you understand that?

OFFICER CASSINELLI: Yes.

SGT. TORRES: Okay. All right. That concludes this interview. The time is currently 13:18.

END OF DOCUMENT

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San Francisco Department of Police Accountability

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	CENTRAL STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Tuesday, March 26, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER LOREN CHIU #1306	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/3/2019 at 11:30 AM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts.

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Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

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Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

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San Francisco, CA 94102

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City and County of San Francisco
Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18
Incident Report or Citation No.		
[redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Loren Chiu #1306	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SERGEANT TORRES: Okay. This interview is regarding OIS Case [redacted]. This interview is taking place at the Office of Internal Affairs Division. Today is May 17th, 2018, and the time currently is 12:09. Conducting this interview is Sergeant Pilar Torres, Star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is, please state your name and Star number, Officer.

OFFICER CHIU: Loren Chiu, Star number 1306.

SERGEANT TORRES: You are the named member, and just to confirm, it's L-o-r-e-n?

OFFICER CHIU: Yes.

SERGEANT TORRES: Last of C-h-i-u?

OFFICER CHIU: Correct.

SERGEANT TORRES: Okay. Representing Officer CHIU is?

ATTORNEY BRASS: Tony Brass of 3223 Webster Street, San Francisco, 94123.

SERGEANT TORRES: Also present from the Internal Affairs Division is?

SERGEANT CRUDO: Sergeant John Crudo,

Star number 1694.

SERGEANT TORRES: Okay. No one else is present. Have you read the SFPD complaint regarding the allegations in this investigation?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Have you read and do you understand Department General Order 2.08 and Government Code 3303, and that covers POBAR?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Have you read and do you understand Department General Order 2.01, Rule 21 and Rule 49?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone outside your counsel. Do you understand?

OFFICER CHIU: I understand.

SERGEANT TORRES: Okay. Do you understand that this interview is being recorded?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Officer Chiu, because there may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain

silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these rights that I've explained to you?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. With these rights in mind, would you like to speak to me now?

OFFICER CHIU: No.

SERGEANT TORRES: Okay. While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I've been designated by the Chief of Police to conduct this investigation. I am, therefore, ordering you, on behalf of the Chief of Police, to answer my questions in this administrative investigation.

If you refuse to answer my questions, your silence can be deemed insubordination, and result in administrative discipline including and up to termination of employment. Any statement you make under the threat of such discipline, will be used for administrative purposes only, and cannot be used against you criminally, unless you choose to

testify in such a criminal case. Your statements and any information you provide, will be held confidential, consistent with the California Constitution, Article I, section 1, and the San Francisco City Charter and Administrative Code, and will not be divulged except as required by law. Do you understand this order?

OFFICER CHIU: Yes, I do.

SERGEANT TORRES: Officer Chiu, will you answer my questions as ordered, at this time?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Officer Chiu, as you know, I monitored your voluntary interview with the Homicide investigators, conducted on [March] 8th, and you have, I gave you the transcripts to the interview. Have you had the opportunity to review them?

OFFICER CHIU: Yes, I have.

SERGEANT TORRES: Okay. It is not uncommon after a life-threatening encounter, as the body works through the natural release of adrenaline and other physiological reactions, that additional things are remembered, or memories or perceptions become clearer. Having reviewed your interview, is there anything that was not covered in that

interview that you would like to add to the record at this time or anything that you'd like to clarify?

OFFICER CHIU: I do not believe so.

SERGEANT TORRES: Okay. Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Before we get in the heart of the interview, I'd like to affirm some of the information as I understand it, based on your voluntary interview.

OFFICER CHIU: Uh-huh.

SERGEANT TORRES: Your name is Loren Chiu, Star 1306.

OFFICER CHIU: Yes.

SERGEANT TORRES: You were born on [redacted]

OFFICER CHIU: Yep.

SERGEANT TORRES: And you entered the Department in [redacted]?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. And at the time of the incident, you had approximately a year-and-a-

half at Mission Station?

OFFICER CHIU: I believe so, yes.

SERGEANT TORRES: Okay. And at the time, you were working swings, 16 to 02?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. That night, you were wearing your Class B uniform?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. And you had a partner that night, Officer Juan Gustilo?

OFFICER CHIU: Yes, that's correct.

SERGEANT TORRES: Okay. And you were working as 3 David 15 David?

OFFICER CHIU: Yes.

SERGEANT TORRES: And you had your Department issued 223 on you?

OFFICER CHIU: No.

SERGEANT TORRES: No? I'm sorry, 226?

OFFICER CHIU: Yes.

SERGEANT TORRES: Thank you for clarifying that. And you didn't deploy an ERIW?

OFFICER CHIU: No.

SERGEANT TORRES: And you did not deploy a rifle?

OFFICER CHIU: No.

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SERGEANT TORRES: And you were the passenger in vehicle 139?

OFFICER CHIU: Yes.

SERGEANT TORRES: Does that have a cage?

OFFICER CHIU: Yes, it does.

SERGEANT TORRES: Okay. And prior to the incident in March, when was the last time you responded to the range to qualify?

OFFICER CHIU: Prior to March?

SERGEANT TORRES: If you recall.

OFFICER CHIU: I don't remember, but whatever was the last qualification month was for my [unintelligible].

SERGEANT TORRES: Do you remember your qualification months?

OFFICER CHIU: No. I know that my last one was last month, April.

SERGEANT TORRES: Okay. So, if it was in April, then it would probably be…

SERGEANT CRUDO: It's six months in October.

SERGEANT TORRES: October?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. And you qualified with your handgun?

OFFICER CHIU: Yes.

SERGEANT TORRES: All right. Are you qualified in the rifle?

OFFICER CHIU: No, I am not.

SERGEANT TORRES: Okay. Officer Chiu, do you have prior law enforcement experience?

OFFICER CHIU: No, I do not.

SERGEANT TORRES: Okay. Prior military experience?

OFFICER CHIU: No.

SERGEANT TORRES: Are you currently under the care of a doctor for any injury or illness?

OFFICER CHIU: No.

SERGEANT TORRES: Are you currently taking any prescribed or over-the-counter medications?

OFFICER CHIU: No.

SERGEANT TORRES: So, the night of the incident, Officer Chiu, your prior sleep cycle, do you remember how many hours you got of sleep?

OFFICER CHIU: I don't remember.

SERGEANT TORRES: Was it a normal sleep cycle for you?

OFFICER CHIU: Yes.

SERGEANT TORRES: And approximately how many hours is that?

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OFFICER CHIU: It's usually around six to eight, is my average.

SERGEANT TORRES: Okay. And prior to the start of your shift, had you had a meal?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. And do you know approximately the timeframe? Do you regularly eat before you start your shift?

OFFICER CHIU: Yes, I do.

SERGEANT TORRES: Okay. And you had that day?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Officer Chiu, do you wear corrective lenses?

OFFICER CHIU: Yes, I do.

SERGEANT TORRES: Okay. And are they glasses or are they contacts?

OFFICER CHIU: Contacts.

SERGEANT TORRES: Okay. And were you wearing them that night?

OFFICER CHIU: Yes, I was.

SERGEANT TORRES: And that night, were you taking any medication?

OFFICER CHIU: No.

SERGEANT TORRES: Whether prescribed or

over the counter?

OFFICER CHIU: No.

SERGEANT TORRES: Okay. And had you consumed any alcohol or other controlled substances that night?

OFFICER CHIU: No.

SERGEANT TORRES: Okay. And Officer Chiu, the equipment. You had your radio?

OFFICER CHIU: Yes, I did.

SERGEANT TORRES: Spare magazines?

OFFICER CHIU: Yes.

SERGEANT TORRES: Handcuffs?

OFFICER CHIU: Yes.

SERGEANT TORRES: Restraints, a hobble?

OFFICER CHIU: A hobble, yes, I had that too.

SERGEANT TORRES: Okay. Did you have an impact weapon on you?

OFFICER CHIU: Yes.

SERGEANT TORRES: And which impact weapon did you have?

OFFICER CHIU: The RCB.

SERGEANT TORRES: And you did not deploy, you already said. Less-lethal, no.

OFFICER CHIU: No.

SERGEANT TORRES: And what's your dominant hand?

OFFICER CHIU: Right hand.

SERGEANT TORRES: Do you shoot with your right hand?

OFFICER CHIU: Yes, I do.

SERGEANT TORRES: Okay. Was your firearm fully loaded that night?

OFFICER CHIU: Yes.

SERGEANT TORRES: Both the firearm and all the magazines?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Do you know if there's any modifications to your gun?

OFFICER CHIU: No.

SERGEANT TORRES: No aftermarket grips, nothing like that?

OFFICER CHIU: No.

SERGEANT TORRES: Okay. Do you carry a personal or secondary firearm?

OFFICER CHIU: Not on-duty.

SERGEANT TORRES: Okay. In your words, Officer Chiu, tell me why we're here today.

OFFICER CHIU: We're here today to conduct an Internal Affairs investigation into the shooting

that I was involved in.

SERGEANT TORRES: On March 6th?

OFFICER CHIU: Yes.

SERGEANT TORRES: On Capp Street?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Do me a favor and briefly summarize the incident for me.

OFFICER CHIU: My partner and I that night, we responded to the area of 20th and Capp Street regarding one of the midnight police units had broadcast over the air that they were flagged down, regarding a person running with a gun at 20th and Capp Street. So, we responded there to assist the units. When we got there, it looked like they were on 21st and Capp Street, and they had conducted a felony stop of that vehicle. When we arrived on-scene, which we were the second unit on-scene, I took a position behind the driver. We were able to detain the driver of the vehicle, but during the course of the incident, there was another individual inside the trunk of the car, which was slightly ajar. He didn't obey commands either in Spanish and English. Then he shot at us, and we returned fire.

SERGEANT TORRES: Okay. Officer Chiu, did

you have your BWC on your person?

OFFICER CHIU: Yes, I did.

SERGEANT TORRES: And excuse me when I refer to the BWC, I'm referring to the body worn camera.

OFFICER CHIU: Got it.

SERGEANT TORRES: Where was the BWC mounted?

OFFICER CHIU: It was the center of my chest, I believe, yes.

SERGEANT TORRES: So, was your BWC mounted in such a way to provide unobstructed views of your activities?

OFFICER CHIU: Yes.

SERGEANT TORRES: Can you tell me why your BWC video footage is obscured?

OFFICER CHIU: I believe that's my jacket that I wear at night when it gets cold, and I guess sometimes, when I put my arms forward, I guess because my jacket's so big, it covers part of the view of the body cam.

SERGEANT TORRES: Okay. When did you turn on your BWC?

OFFICER CHIU: Right when I got on-scene.

SERGEANT TORRES: Why did you draw your

firearm?

OFFICER CHIU: Because of the nature of the call and based on my observations of what was going on with the vehicle.

SERGEANT TORRES: And where were you positioned during this incident?

OFFICER CHIU: I was positioned behind and left of the driver of his patrol car. So, like right by the driver's side door.

SERGEANT TORRES: So, Officer Chiu, as I explained, I monitored the Homicide interview, ;and in the interview, you were asked if you remained behind cover.

OFFICER CHIU: Uh-huh.

SERGEANT TORRES: And you said no. Is that accurate?

OFFICER CHIU: Yes. So, when I first arrived on-scene, I took cover behind that driver's side door, right behind where the driver was, the initial driver of that vehicle, to let him know I was there. But I moved out to the left when I thought I was going to be the arrest team for the ex-passenger that was coming out. So, when that passenger wasn't coming out, I don't know what it was, I just stuck there because of what the nature

of what that passenger in the trunk was doing. I was just so fixated on his hand and kept yelling every time he put his hand back down. We yelled, "Hey, hey, stop reaching."

SERGEANT TORRES: Right.

OFFICER CHIU: So, I didn't even think about where I was at that point, I was just so focused with my gun directed towards that threat, that I didn't even think about going back to cover or anything like that.

SERGEANT TORRES: Okay. Officer Chiu, did you fire your weapon?

OFFICER CHIU: Yes, I did.

SERGEANT TORRES: Can you tell me why you started to fire your weapon?

OFFICER CHIU: I fired my weapon in self-defense and in defense of others.

SERGEANT TORRES: Okay. In defense of yourself, but why did you feel it was necessary to defend yourself?

OFFICER CHIU: To defend myself.

SERGEANT TORRES: Yeah. Why did you, what made you start firing?

OFFICER CHIU: The suspect, the threat had fired a gun at me.

SERGEANT TORRES: Okay. How did you know that?

OFFICER CHIU: Based on the sound of the gunshot that I heard, as well as I saw a gunpowder smoke ring coming from the suspect in the trunk.

SERGEANT TORRES: And you concluded…

OFFICER CHIU: That based on those facts, putting it together, those circumstances. I believed that he had fired a gun at me or other officers.

SERGEANT TORRES: And so, what was going through your mind at that time?

OFFICER CHIU: That one of us was hit. We didn't know…I mean I understand that sometimes in adrenaline, we might not feel that we were hit or anything like that. I thought one of us was shot. I thought I might have been shot.

SERGEANT TORRES: Okay. Officer Chiu, were you able to use your sights, or was it point shooting, or were you able to obtain your sights when you fired?

OFFICER CHIU: I really don't remember.

SERGEANT TORRES: Okay.

OFFICER CHIU: I know that I had it at low-ready, and yeah, I don't know if I picked up my

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sights, it just happened so quickly.

SERGEANT TORRES: Okay. When you train with your handgun, do you normally pick up your sights?

OFFICER CHIU: Yes.

SERGEANT TORRES: Did you shoot two-handed, one-handed?

OFFICER CHIU: Two-handed.

SERGEANT TORRES: Okay. Do you know how many rounds you fired?

OFFICER CHIU: No.

SERGEANT TORRES: So, why did you stop firing?

OFFICER CHIU: I stopped firing, once I perceived that the threat had stopped.

SERGEANT TORRES: And what were you shooting at?

OFFICER CHIU: I was shooting at the individual that had fired his gun.

SERGEANT TORRES: Do you know what your backdrop was?

OFFICER CHIU: Other than the vehicle, I didn't really see anything else other than the subject in the trunk of the vehicle itself.

SERGEANT TORRES: Okay. So again, referring to the Homicide interview, I believe at some point,

you were asked if you reloaded your weapon, and you stated, no. Can you tell me why that's the case?

OFFICER CHIU: I didn't reload my weapon at that point because I was trying to, what's that word? To re-evaluate the threat, to make sure he had stopped, in case that he picked up his gun again and started firing. I'd be ready to fire back.

SERGEANT TORRES: Okay. Officer Chiu, did you happen to notice if a supervisor…I'm sorry, back-up. Did you notify a supervisor of your discharge, and if so, when, and to whom?

OFFICER CHIU: Yes. I think on-scene, right after the shooting had occurred, one of the sergeants came on-scene. I gathered my partner and told him that we were just involved in a shooting, so maybe we shouldn't do anything else, and then we went to the curb on Capp Street. Then a sergeant approached us, and we all kind of gathered, and that's when I notified a sergeant.

SERGEANT TORRES: Okay. Do you remember which sergeant?

OFFICER CHIU: I think it was Sergeant Shugars, and Sergeant Perez, I believe, was also taking our names and Stars down.

SERGEANT TORRES: Did you recognize the suspect in the trunk?

OFFICER CHIU: No, I didn't.

SERGEANT TORRES: Did you recognize the driver?

OFFICER CHIU: Yes, I did.

SERGEANT TORRES: What's your personal knowledge of the driver? How do you know him?

OFFICER CHIU: I had prior contacts with him. The first time was during a traffic stop a year ago, where he was in a vehicle with a bunch of passengers. We had let the car go, after identifying that one of the passengers was a missing juvenile, and we took him out. We let the car go, because everyone was cordial, there was nothing wrong with the car; advised them that we were going to do a transport of the juvenile back home. Did a transport search and located a firearm on the kid.

SERGEANT TORRES: Okay.

OFFICER CHIU: And in that incident, the driver of our shooting was the driver of that vehicle that we had pulled over that night.

SERGEANT TORRES: Okay. Did you notify anybody of the driver's identity?

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OFFICER CHIU: No, I did not.

SERGEANT TORRES: Considering what you had just conveyed, why didn't you?

OFFICER CHIU: Because at that point, all I was focused on, I think, was just the person in the trunk. That was the immediate threat. I was very close to the threat, alongside my partner and my coworkers next to me, and everytime that that left hand kept coming into view and out of view, it made us all...or it made me very nervous.

SERGEANT TORRES: Okay.

OFFICER CHIU: I didn't really have any time to discuss anything with anybody else.

SERGEANT TORRES: Okay. Did you hear the suspect say anything prior to the shooting? The individual in the trunk?

OFFICER CHIU: Yes, I did.

SERGEANT TORRES: Can you recall what it was?

OFFICER CHIU: He said something along the lines like, fuck it, fuck this, fuck you.

SERGEANT TORRES: Okay. Did you see the female in the rear of the vehicle, and if so, when?

OFFICER CHIU: No, I did not see the female.

SERGEANT TORRES: Okay. So, during that whole timeframe, I mean ultimately…

OFFICER CHIU: No.

SERGEANT TORRES: You must have seen her?

OFFICER CHIU: Yeah, towards the end, I believe. I don't even remember if I saw the girl, but after everything had kind of settled, I heard a scream coming from the car, like a female scream. I don't even remember if I actually saw the female in the vehicle.

SERGEANT TORRES: Okay. Did anybody tell you there was someone in the rear of the passenger compartment of the vehicle?

OFFICER CHIU: I think after reviewing my body camera footage, I could hear it, and I know that in my statement with Homicide, I told them that I heard it, but to clarify, that was based on after reviewing my body camera footage.

SERGEANT TORRES: Yeah.

OFFICER CHIU: I don't know if I actually heard it on-scene. I don't remember.

SERGEANT TORRES: Okay. I'm referring to your recollection that night, not after.

OFFICER CHIU: Got you.

SERGEANT TORRES: Okay. Did you receive

direction from anyone? Directions, orders? Did anyone direct you on what to do out at the scene?

OFFICER CHIU: Afterwards, after the shooting, we were directed to keep our body cameras on.

SERGEANT TORRES: So, prior to the shooting, was there, did you receive any direction with regard to supervision? Anybody directing anything, for you to do anything, not to do anything, things to consider?

OFFICER CHIU: You said prior to the…?

SERGEANT TORRES: Prior to the shooting.

OFFICER CHIU: No, not that I remember. Not that I could hear or remember.

SERGEANT TORRES: Okay. Did you discuss a plan of action with anyone, or did you hear anybody discussing a plan?

OFFICER CHIU: No. I didn't hear anybody discussing a plan. I did hear an officer say, "Get a Spanish-speaker," as well as another officer saying that they were going to grab the less-lethal option.

SERGEANT TORRES: From what you recall, do you know if there was someone in-charge of the incident? If anybody, even a Q2, was somebody

taking charge?

OFFICER CHIU: I think based on just the commands alone, when I first arrived on-scene, the initial unit, which was Officer Cassinelli, and his partner, I believe, was Officer Tupper, Cassinelli was the one that was giving the commands. So, we were just there to assist, and make sure they were okay, and watch for everything else, in regards to that vehicle.

SERGEANT TORRES: Okay. Did you see a supervisor on-scene? And if so, when?

OFFICER CHIU: The only time that I started to see supervisors was after the shooting.

SERGEANT TORRES: But that whole time you were focused on the trunk and you weren't looking around?

OFFICER CHIU: Yeah. I was just, I was pretty much on the front line. All I could see was and focused on was the car, and the guy in the trunk.

SERGEANT TORRES: So, you don't know when they got there?

OFFICER CHIU: No.

SERGEANT TORRES: Okay. And when you did notice a supervisor on-scene, can you tell me who

that was?

OFFICER CHIU: I think that was Sergeant Perez. I mean, I want to say Sergeant Shugars, but I can't really remember. But based on reviewing my body camera footage, I saw Sergeant Perez there, and he was taking down our Stars.

SERGEANT TORRES: Okay. So, I just want to clarify. So, you saw a supervisor after the shooting, but before the shooting, you did not notice any supervisor on-scene?

OFFICER CHIU: No. I didn't notice any supervisors.

SERGEANT TORRES: What warnings were given, if you recall?

OFFICER CHIU: "Show us your hand, otherwise, you'll get shot."

SERGEANT TORRES: Okay. Were they clear?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay.

OFFICER CHIU: Both in, I believe, well, I don't speak Spanish, but I believe the Spanish commands were given multiple times repeatedly, as well as the English commands.

SERGEANT TORRES: Okay. And they were clear to you?

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OFFICER CHIU: Yes.

SERGEANT TORRES: Multiple times?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Do you think any other forms of force options were available to you?

OFFICER CHIU: No, not at that point.

SERGEANT TORRES: Okay. Can you discuss why not? Can you go and talk about the reasonableness and the feasibility of their applications in this encounter? If you can go through each one and tell me?

OFFICER CHIU: Yeah. At that point, we've exhausted verbal commands. The fact that the threat was for the call for service was a person with a gun. Can't use physical, you know, the physical option, because the car was right there, the subject was inside the trunk, which was slightly up. It may have been, [I don't know] the handgun couldn't do that. Couldn't use your pepper spray, couldn't use a baton because we weren't at close range. The only other option was verbal command. [Between verbal command], maybe the extended ERIW, which was used, and once he fired that gun at us, I mean, our only option left unfortunately, was our firearm.

SERGEANT TORRES: Okay. So, you were the second unit on-scene?

OFFICER CHIU: Yes.

SERGEANT TORRES: Okay. Between the time when you arrived and when it was Code 4, in your opinion, how long was that timeframe?

OFFICER CHIU: I think personally, I felt like the timeframe was pretty long. I felt like the ordeal went on for a long time. It felt very dragged out. It felt like we gave him commands over commands again, and again, and again, and he still kept doing the same thing, raising his hand, his left hand, and bringing it back into concealment, and we were just doing that dance for a long while.

SERGEANT TORRES: Okay. Did you see officers not behind cover or concealment?

OFFICER CHIU: No.

SERGEANT TORRES: No. When did you turn off your body camera?

OFFICER CHIU: I believe when I was at the station, and a supervisor came in to tell us that it was okay to turn off our body cameras.

SERGEANT TORRES: Okay. To whom did you give a Public Safety statement to?

OFFICER CHIU: I think it was Sergeant

Shugars.

SERGEANT TORRES: Were you separated and monitored after the shooting?

OFFICER CHIU: Yes.

SERGEANT TORRES: Who monitored you?

OFFICER CHIU: There was a POA representative with me for a while, and then it was my classmate, Officer [Ching] that sat with me.

SERGEANT TORRES: Did you discuss the incident with anyone, prior to meeting with your counsel?

OFFICER CHIU: No.

SERGEANT TORRES: [redacted]

SERGEANT TORRES: Okay. Did you suffer any physical injuries as a result of this incident?

OFFICER CHIU: No.

SERGEANT TORRES: Has the incident impacted you in other ways? Loss of sleep, appetite?

OFFICER CHIU: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

SERGEANT TORRES: John?

SERGEANT CRUDO: So, I'm just going to go kind of in the order that Sergeant Torres went through the stuff. So, and I've got to read my chicken scratches, so bear with me.

OFFICER CHIU: Okay.

SERGEANT CRUDO: Just talking about your background, no prior law enforcement, no prior military. Any prior First Responder?

OFFICER CHIU: No.

SERGEANT CRUDO: Any medic, aide, anything like that? Talking about eating prior to the shift the day of the incident, you said that yes, you

had.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: Do you specifically recall that?

OFFICER CHIU: Having a meal?

SERGEANT CRUDO: Yeah. Is that a specific recollection or is that just like your pattern?

OFFICER CHIU: It's just a pattern. Like every day before work, I usually have a big meal at the beginning.

SERGEANT CRUDO: Okay. Do you recall specifically, whether or not, you ate before this one?

OFFICER CHIU: No. I based that off of just my pattern of eating.

SERGEANT CRUDO: Okay. But you don't recall not eating before that shift?

OFFICER CHIU: Yeah.

SERGEANT CRUDO: That would have been an unusual thing.

OFFICER CHIU: Yeah.

SERGEANT CRUDO: You don't recall not eating?

OFFICER CHIU: Yeah.

SERGEANT CRUDO: Okay. I want to go to

your equipment you had on you. You said yes, you had extra magazines. How many magazines do you carry?

OFFICER CHIU: Two extra ones.

SERGEANT CRUDO: Okay. Your magazines, how many rounds did you have in your magazines?

OFFICER CHIU: There are 12 in the extra ones, and then 12 in the other one, with one in the chamber of my firearm.

SERGEANT CRUDO: Okay. So, you had a magazine in your firearm with 12 rounds?

OFFICER CHIU: No, no, no. So, there's a magazine in the well of my gun has 12, with one extra one.

SERGEANT CRUDO: Twelve rounds.

OFFICER CHIU: In the chamber.

SERGEANT CRUDO: One in the chamber.

OFFICER CHIU: Yeah.

SERGEANT CRUDO: Thirteen in your weapon.

OFFICER CHIU: That's it, yes.

SERGEANT CRUDO: Okay.

OFFICER CHIU: And then 12 in each…

SERGEANT CRUDO: Twelve in each of your spare magazines, and you had those loaded.

OFFICER CHIU: Yes.

SERGEANT CRUDO: Okay. And do you recall making a magazine change during the incident? Was there any magazine changed?

OFFICER CHIU: There was no magazine change.

SERGEANT CRUDO: Okay. You were asked if you carried a personal or secondary firearm, and you said not on-duty.

OFFICER CHIU: Yeah, not on-duty. So, I have an off-duty firearm that I carry.

SERGEANT CRUDO: What is that?

OFFICER CHIU: It's an M&P Shield.

SERGEANT CRUDO: Okay. And what caliber?

OFFICER CHIU: It's a 9mm.

SERGEANT CRUDO: 9mm?

OFFICER CHIU: Yes.

SERGEANT CRUDO: And you don't carry that on-duty? Did you happen to have it on-duty with you the night of the incident?

OFFICER CHIU: No.

SERGEANT CRUDO: Okay. You answered that and that (goes through questionnaire). Sergeant Torres asked you why you stopped firing, and you said because you perceived the threat had stopped.

OFFICER CHIU: Yes.

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SERGEANT CRUDO: How did you perceive the threat had stopped? What led you to believe that the threat had stopped?

OFFICER CHIU: The individual that I believed to have fired his gun at us, stopped moving, and there was no shots coming back, or coming towards us from that individual. Because I recall pretty much, right when he yelled out the, "Fuck you, fuck this," he punched out his left arm, and I saw him do that, and then, that's when I saw the gunpowder smoke and heard the gun shot.

SERGEANT CRUDO: Okay.

OFFICER CHIU: So, when he stopped moving, that's when I thought that the threat had stopped.

SERGEANT CRUDO: So, are you saying that you were shooting until he stopped moving?

OFFICER CHIU: Until he stopped firing at us.

SERGEANT CRUDO: Okay. Talking about the backdrop, you said you saw the vehicle, you didn't see anything else. So, I just want, because it can be taken two different ways, and you've talked throughout the interview, and I may touch on it again. But kind of, you had a really, kind of what we call a narrow focus on the suspect.

OFFICER CHIU: Right.

SERGEANT CRUDO: Who's in the trunk.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: You talked about him as a threat and all that. So, am I correct in hearing that that was, I don't want to call it tunnel vision, but you had a very narrow focus on that particular threat, as you put it?

OFFICER CHIU: Right. I was specifically focused on that left hand of his.

SERGEANT CRUDO: Okay. And so, your backdrop, when you say that you saw nothing else, the vehicle, was that a function of this narrow focus in not seeing beyond that? Or are you saying that you did see anything? Your backdrop included the vehicle only and nothing more?

OFFICER CHIU: Sorry, can you rephrase that one more time?

SERGEANT CRUDO: Yeah. So, you said that you saw the vehicle and nothing else, when you were asked about your backdrop.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: What I'm asking was that kind of a function of you being focused on the left hand and the person in the trunk, and not really

seeing beyond that? Or are you saying the vehicle was the only thing that really was beyond the threat that you had seen?

OFFICER CHIU: No, it was due to the fact that I was so focused on the individual in the trunk and his hand, that I didn't really have time to look around and see what was behind that vehicle. I was just so focused on the vehicle and the guy in the trunk that I didn't focus on anything else, so I couldn't…

SERGEANT CRUDO: Do you have an idea from the angle that you were at, what was beyond the vehicle? Do you recall?

OFFICER CHIU: I mean, based on the body camera footage, I mean, there was the building there, and then the streets, and then I think there was a dumpster there, I believe, after the fact.

SERGEANT CRUDO: Okay. But this will be based on stuff you may have learned afterward from body camera.

OFFICER CHIU: Right.

SERGEANT CRUDO: Not anything you remember specifically?

OFFICER CHIU: Right.

SERGEANT CRUDO: Okay.

OFFICER CHIU: Specifically, I just remember the individual and the car.

SERGEANT CRUDO: Okay. And then you said that you talked about notifying a supervisor. You went to the curb on Capp Street and you were approached by Sergeant Shugars and Sergeant Perez.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: And you said that they took your names.

OFFICER CHIU: Yeah, names and Star.

SERGEANT CRUDO: Okay. So, first of all, who did you report to? Which of the two, do you recall? Shugars or Perez?

OFFICER CHIU: I don't remember exactly. I believe it was Shugars, because I remember saying that we were like gathering in a group and saying that we're involved. They asked who was involved and we all said, "I was. I was."

SERGEANT CRUDO: Okay. So, they had kind of identified the involved members.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: And then, do you know what a Public Safety statement is?

OFFICER CHIU: Yes.

SERGEANT CRUDO: Okay. So, it's a series

of questions. Right?

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: That kind of give some background about sort of what the fleeting evidence and risk, threats are to the public.

OFFICER CHIU: Right.

SERGEANT CRUDO: Right? So, who collected that information from you?

OFFICER CHIU: Sergeant Shugars.

SERGEANT CRUDO: Okay. Was that kind of contemporaneous with that time? Was that about the same time out by the curb?

OFFICER CHIU: No. That was, I believe, back at the station.

SERGEANT CRUDO: Okay. I just want to confirm, and I'm pretty sure I heard this correctly. So, you said that you heard something to the effect that just before shooting, the suspect said, "Fuck it. Fuck this, fuck you," something like that.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: And that, you said in another part of the interview, you don't speak Spanish.

OFFICER CHIU: Yeah.

SERGEANT CRUDO: So, that was in English?

OFFICER CHIU: That was in English, yes.

SERGEANT CRUDO: Okay. Did you have, at any other time, any reason to believe that he [unintelligible] react to any other commands that were given in English?

OFFICER CHIU: Wait. Sorry, say that again.

SERGEANT CRUDO: During the incident, do you recall if he reacted or gave you any reason to believe, other than maybe that moment, that he spoke English?

OFFICER CHIU: No, because he wasn't…I think the thing is that he wasn't complying with our commands. So, that's why we thought maybe he didn't speak English, and so, that's why we, I believe, an officer on-scene called out for a Spanish-speaker, and that's when officers started speaking to him in Spanish and giving him commands like that.

SERGEANT CRUDO: And nothing, you had no other indications that he might be comprehending you guys in English?

OFFICER CHIU: No.

SERGEANT CRUDO: Okay. You said that, in regards to, you asked about direction. Did you

receive any direction at the scene? And we talked about proceeding the incident, a little bit after the incident. After the incident, you said that you were directed to keep the body worn camera on, the BWC on.

OFFICER CHIU: Uh-huh, right.

SERGEANT CRUDO: Do you know who gave that command?

OFFICER CHIU: I think Lieutenant Banta gave that over the air, saying that all officers involved should keep our cameras on, but I'm not for certain. I'm not certain if that was over the air or just through the chain of command, but I knew it was Lieutenant Banta that, from some way or another, that gave that command.

SERGEANT CRUDO: Do you recall if you heard it from Lieutenant Banta, or did somebody relay that to you?

OFFICER CHIU: I don't remember.

SERGEANT CRUDO: Okay. But you believe that the origin was Lieutenant Banta?

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: Okay. When was your body worn camera collected? Was that, you said back at the station.

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OFFICER CHIU: Yes.

SERGEANT CRUDO: Was that correct? You were told to turn it off? Was it collected at that time?

OFFICER CHIU: I believe so.

SERGEANT CRUDO: Who collected it?

OFFICER CHIU: I don't remember who collected it.

SERGEANT CRUDO: Okay. You were asked a little bit about the cover…other officers behind or not behind, moving from concealment.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: And again, I told you I might touch on it a couple of times, but your focus at that time period, once you were on-scene, once you said you went to an arrest team, it sounds like the passenger.

OFFICER CHIU: Right, the guy in the trunk.

SERGEANT CRUDO: You expected him to go the same process as the driver?

OFFICER CHIU: Yeah, uh-huh.

SERGEANT CRUDO: Okay.

OFFICER CHIU: I thought he was going to come out [right there].

SERGEANT CRUDO: That's when you broke

your cover?

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: And from that point, your focus is on him?

OFFICER CHIU: Right.

SERGEANT CRUDO: Is that fair to say?

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: That's what I heard? Okay. Was there any discussion about the arrest team? I mean how was that…you were asked about whether there were directions pre-shooting. Were there any directions with respect to the arrest teams, or breaking cover, or were you told? Or how was that kind of coordinated?

OFFICER CHIU: I don't remember. I think it was just based on how many people we had available, and which side of the car. I believe there was like a brief discussion as to maybe which side to bring the passenger to. Then, I think that's when I, you know, at that point, I thought it was just a few of us on-scene. That's when I broke cover and I kind of assumed that I was going to be the arrest team and take the passenger into custody. But right when I broke cover, that individual in the trunk just made like a furtive movement with his hand, and

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then, that's when I yelled at him. I was like, "Hey, hey, stop reaching. Stop reaching." And so, at that point, I think from then on, I was just so focused on that guy and his hand that I couldn't think about anything else.

SERGEANT CRUDO: Okay. And the decision, based on being the arrest team or whatever, was based on, you thought that you were like one of the...

OFFICER CHIU: The only ones on-scene.

SERGEANT CRUDO: ...only people at that time?

OFFICER CHIU: Yeah, because I also thought that I was going to do, be the arrest team for the first driver too, because I thought it was just me and my partner on-scene first. Then I saw Officer Carroll and Smets move up, and they arrested the guy. So, when we were discussing about the passenger coming out, I assumed that it was just Officer Cassinelli, Tupper, me, Gustilo, Smets, and Carroll that were on-scene. I didn't notice anybody else come on scene, so I thought we were it. So, if Smets and Carroll were busy with the driver, then the only people left were either me and my partner to apprehend the second guy.

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SERGEANT CRUDO: Okay. And I think this is my last question. You were asked about how the incident impacted you.

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: You mentioned the first week, week-and-a-half, kind of some difficulty sleeping, loss of appetite, some other things that are kind of, they're not unusual, but in the moment. Let me ask you this. Did you notice, were you aware of anything as this really started to kind of transition, became an OIS, and you felt that your life was in jeopardy?

OFFICER CHIU: Uh-huh.

SERGEANT CRUDO: Did you notice any other physiological reactions? Did you notice anything? I mean, we talked kind of about some narrow focus. I don't know if you were conscious of that? Did you feel your heart racing? Or did you notice you had shortness of breath? Or did you feel like you were out-of-body experience, or any other things that might…?

OFFICER CHIU: Yeah. It would be definitely the heart racing, and then I feel like there was perspiration, like my palms, my hands started getting sweaty. Then there was that sort of out-of-

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body experience, like right after I finished shooting. I was like, "Well, that happened."

SERGEANT CRUDO: And anything kind of pop into your head at the moment? We call it kind of intrusive thoughts, you know, that something pops in your head and kind of looking at it after would be, "Boy, that was sort of random"? But sometimes, you know, we've heard people say, "Yeah. I started thinking about my, I want to go home and see my kid," or things like that. Did any intrusive thoughts or anything pop into your head?

OFFICER CHIU: I guess not until I got back to the station. It was [unintelligible] me like, "Uh, shoot. I've been involved in a shooting." And like my first thought was like this was going to hit the news, and I need to see if I can notify my family to let them know I was okay.

SERGEANT CRUDO: So, it's back later when you're processing that you start thinking about some sort of impact on your [life]?

OFFICER CHIU: Yeah. Back at the station, when I was kind of sitting there alone, separated from everybody else, with my classmate there with me.

SERGEANT CRUDO: I don't think I have

anything else.

SERGEANT TORRES: Okay. Tony?

ATTORNEY BRASS: No.

SERGEANT TORRES: Okay. That concludes this interview. The time is currently 12:56.

END OF DOCUMENT

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DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102
www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	CED COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Wednesday, March 27, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER JUAN GUSTILO #1469	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/8/2019 at 11:00 AM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts.

San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

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Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

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Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18

Incident Report or Citation No. [redacted]

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Juan Gustillo #1469	3D	[redacted]	M	5

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SERGEANT TORRES: Just press this, John?

SERGEANT CRUDO: I'm sorry, yeah. Yeah.

SERGEANT TORRES: Okay. This interview is regarding OIS Case [redacted]. This interview is taking place at the Office of Internal Affairs Division on May 18th, 2018. This time is currently 1333 hours. Conducting this investigation is Sergeant Pilar Torres, I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed, Officer, will you please state and spell your name, including your Star number, please?

OFFICER GUSTILO: Juan [Danny] Gustilo, it's J-u-a-n, D-a-n-i-e-l, last is G-u-s-t-i-l-o, Star number 1469.

SERGEANT TORRES: And Office Gustilo is the named member in this matter. [Gus-till-o]?

OFFICER GUSTILO: [Gus-till-o].

SERGEANT TORRES: Gustilo.

OFFICER GUSTILO: With a hard "l", sir.

SERGEANT TORRES: Gustilo. Representing Officer Gustilo is?

POA ATTY NOBLES: Don Nobles, POA Attorney.

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SERGEANT TORRES: Also present from the Internal Affairs Division is?

SERGEANT CRUDO: Sergeant John Crudo, C-r-u-d-o, Star number 1694.

SERGEANT TORRES: And no one else is present in the room. Officer Gustilo, have you read the notice regarding this administrative investigation? The notice I sent you regarding today's date, interview?

OFFICER GUSTILO: Yes, I have.

SERGEANT TORRES: Okay. Have you read and do you understand Department General Order 2.08 and Government Code 3303, basically covers Peace Officers Bill of Rights?

OFFICER GUSTILO: Yes, I have.

SERGEANT TORRES: All right. Have you read and do you understand Department General Order 2.01, Rule 21 and Rule 49?

OFFICER GUSTILO: Yes, I have and yes, I do.

SERGEANT TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone besides your counsel. Do you understand that?

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OFFICER GUSTILO: Yes, I do.

SERGEANT TORRES: Okay. Do you understand that this interview is being recorded?

OFFICER GUSTILO: Yes, I do.

SERGEANT TORRES: Officer Gustilo, because there may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand these rights that I've explained to you?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. With these rights in mind, would you like to speak to me now?

OFFICER GUSTILO: No.

SERGEANT TORRES: Okay. While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I've been designated by the Chief of Police to conduct this investigation. I am, therefore, ordering you, on

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behalf of the Chief of Police, to answer my questions in this administrative investigation.

If you refuse to answer my questions, your silence can be deemed insubordination, and result in administrative discipline including and up to termination of employment. Any statement you make under the threat of such discipline, will be used for administrative purposes only, and cannot be used against you criminally, unless you choose to testify in such a criminal case. Your statements and any information you provide, will be held confidential, consistent with the California Constitution, Article I, section 1, and the San Francisco City Charter and Administrative Code, and will not be divulged except as required by law. Do you understand this order?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Officer Gustilo, will you answer my questions as ordered, at this time?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. Officer Gustilo, as you know, I monitored your voluntary interview with the Homicide investigators, which was conducted on [May] 8th. You were given transcripts of that

interview to review, and you've also reviewed your body worn camera video. You've had an opportunity to review the video and transcripts?

OFFICER GUSTILO: Yes, I have.

SERGEANT TORRES: Okay. It is not uncommon after a life-threatening encounter, as the body works through the natural releases of adrenaline and other physiological reactions, that additional things are remembered, or memories or perceptions become clearer. Having reviewed your interview, is there anything that was not covered in that interview that you would like to add to the record at this time or anything that you'd like to clarify?

OFFICER GUSTILO: No.

SERGEANT TORRES: Okay. Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. So, these questions that I'm going to be asking you are your perceptions on the night of the incident. I don't expect you to answer from anything that you've seen

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from the news or from the video, it's from what you perceived that night. Okay?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: So, just to go over a few things, with regards to your voluntary interview with Homicide, I just want to confirm a few things. Your name is Juan Daniel Gustilo, your Star is 1469, and your date of birth is [redacted]. Is that correct?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. You entered the Department at approximately [redacted]?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. And at the time of the incident, you were at Mission Station less than a year?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: And at the time of this incident, you were working swings, 16 to 02?

OFFICER GUSTILO: Correct.

SERGEANT TORRES: Okay. And at the time, you were wearing your Class B uniform?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: At the time of this

incident, your partner was Loren Chiu, Star 1306?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: And you guys were working as the 3 David 15 David, if you recall?

OFFICER GUSTILO: I believe so.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: I believe it was the 15 David that night.

SERGEANT TORRES: Okay. And the night of the incident, you were carrying your Department issued Sig 226?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Did you deploy an ERIW?

OFFICER GUSTILO: No, I did not.

SERGEANT TORRES: How about a rifle?

OFFICER GUSTILO: No, I did not.

SERGEANT TORRES: And you guys were utilizing black and white 139?

OFFICER GUSTILO: I cannot remember exactly.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: If that have been it.

SERGEANT TORRES: And you were the passenger that night?

OFFICER GUSTILO: I was the driver.

SERGEANT TORRES: You were the driver? Okay. Prior to the incident, March 6th, 2018, when was the last time you qualified with your handgun?

OFFICER GUSTILO: The last time I qualified was, I believe it was September of 2017.

SERGEANT TORRES: Okay. So, your months are September and?

OFFICER GUSTILO: April.

SERGEANT TORRES: April? Okay. Officer Gustilo, have you had or were you prior law enforcement prior to joining San Francisco?

OFFICER GUSTILO: No, I was not.

SERGEANT TORRES: Okay. How about military?

OFFICER GUSTILO: No.

SERGEANT TORRES: Are you currently under the care of a doctor for any injury or illness?

OFFICER GUSTILO: No.

SERGEANT TORRES: Are you currently taking any prescribed or over-the-counter drugs or medication?

OFFICER GUSTILO: I took some ibuprofen yesterday, but that was just for my back being a little sore.

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SERGEANT TORRES: Okay.

OFFICER GUSTILO: From working out.

SERGEANT TORRES: And nothing other than the ibuprofen?

OFFICER GUSTILO: Right, nothing else.

SERGEANT TORRES: The night of the incident, you were swings, had you had a normal sleep cycle prior to that shift, if you recall?

OFFICER GUSTILO: I can't recall. I know I did sleep the night before. I don't think we were held over late the night prior, but I cannot recall exactly.

SERGEANT TORRES: Okay. The night of the incident, prior to your shift, had you had a meal? Do you regularly eat before you start your normal shift?

OFFICER GUSTILO: Yes, I regularly do eat. I know I had lunch that day, because I eat before I come to work, and I can't recall if I had a snack at some point. I know prior to the incident, we were discussing our dinner options.

SERGEANT TORRES: Okay. Officer Gustilo, do you wear corrective lenses?

OFFICER GUSTILO: I do.

SERGEANT TORRES: Okay. And what do you wear, glasses, contacts?

OFFICER GUSTILO: I wear contact lenses.

SERGEANT TORRES: Contacts. Were you wearing them that night?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: The night of the incident, had you taken any medication that night?

OFFICER GUSTILO: No.

SERGEANT TORRES: Were there over-the-counter or prescribed by a doctor?

OFFICER GUSTILO: No.

SERGEANT TORRES: Okay. On the day in question, prior to the start of your shift, had you consumed any alcohol?

OFFICER GUSTILO: No.

SERGEANT TORRES: And you hadn't taken any control substances?

OFFICER GUSTILO: No.

SERGEANT TORRES: The day of the incident, March 6th, just talk about the equipment you had. Did you have your Department issued radio?

OFFICER GUSTILO: I did, yes.

SERGEANT TORRES: Okay. Did you have your

Department issued gun?

OFFICER GUSTILO: Yes, I did.

SERGEANT TORRES: Can you tell me how it was loaded?

OFFICER GUSTILO: It had one in the chamber and one in the magazine.

SERGEANT TORRES: And did you have your Department issued extra magazines?

OFFICER GUSTILO: I did. I had two extra magazines with full rounds in each of them.

SERGEANT TORRES: Okay. And you had all your other Department issued equipment?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. Handcuffs?

OFFICER GUSTILO: I had two sets of handcuffs, pepper spray, baton, gloves, everything, camera; yes.

SERGEANT TORRES: Any other restraints?

OFFICER GUSTILO: I had Zip ties in my bag, yeah.

SERGEANT TORRES: Okay. Were you issued a hobble?

OFFICER GUSTILO: I had a hobble in my bag as well.

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SERGEANT TORRES: Okay.

OFFICER GUSTILO: And my duty bag.

SERGEANT TORRES: And you said baton. Which baton?

OFFICER GUSTILO: The wood, the standard 24-inch.

SERGEANT TORRES: Okay. What's your dominant hand?

OFFICER GUSTILO: Right.

SERGEANT TORRES: Do you shoot with your right hand?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Both handgun and rifle?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. Your Department issued handgun, do you know if it has any modifications to it?

OFFICER GUSTILO: No.

SERGEANT TORRES: No more alterations. Do you carry a personal or secondary firearm?

OFFICER GUSTILO: Not on duty, no.

SERGEANT TORRES: What's the firearm you carry off-duty?

OFFICER GUSTILO: M&P Shield.

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SERGEANT TORRES: What round does that shoot?

OFFICER GUSTILO: A 9-mil.

SERGEANT TORRES: And you weren't carrying that at the time of the incident?

OFFICER GUSTILO: No.

SERGEANT TORRES: So, Officer Gustilo, in your own words, can you tell me why we're here today?

OFFICER GUSTILO: I was involved in the OIS that occurred on March 6th.

SERGEANT TORRES: Okay. And that's Capp Street. Correct?

OFFICER GUSTILO: On Capp Street and 21st, yes.

SERGEANT TORRES: Okay. All right. So, can you briefly summarize the incident from the time you heard something that made you decide to go to Capp Street?

OFFICER GUSTILO: Okay. And how far do you want…just go along? Go through the whole incident, and you'll stop me when you need to?

SERGEANT TORRES: Sure.

OFFICER GUSTILO: Just until it's

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[unintelligible]?

SERGEANT TORRES: Just, yeah.

OFFICER GUSTILO: Okay. So, it was approximately 10:30 p.m. on March 6th. We had just, my partner and I, Loren Chiu, had just finished a call in the area of Julian and 15th in the Mission. We were proceeding, I'd say at that point, we were proceeding southbound on Valencia towards 16th, when we heard a real quick Code 33. At that point, the unit, I believe it was the 13 Edward...I can't remember specifically. They said something to the effect of, "Code 33. I've got a 221, 211 suspect in the back of a car," something to that effect, in the area of--I thought I heard 19th and Capp, so I proceeded.

I was driving. I went southbound on Valencia, took 16th Street east, and then made a right onto Capp, and proceeded southbound on Capp. Once we got past 18th, I could see them a little further down the way. So, we saw their lights and we made contact with them just past, just south of 21st Street on Capp. I immediately noticed Officer Cassinelli standing outside of his door, and in front of them was a black Honda Civic, with a

person; I noticed a person in the driver's side area. I don't know if, I can't remember if was still in the seat or if he was just coming out of the street, but the door was open, and he was there, pretty animated.

And then there was, I noticed the trunk of the vehicle. There was someone inside of the trunk, and the trunk was cracked. You could see him holding, I could see him. It appeared he was holding the trunk down with his right hand; he was laying. We were to the left, I guess, so we were on the east side of Capp Street, and I could see his head was facing, was in our direction, in the rear of the trunk.

Officer Cassinelli was…as we pulled up, we pulled up to the east side of Officer Cassinelli's car, exited our vehicle, and took a position of cover next to Officer Cassinelli and outside of his door, Officer Chiu and I. Officer Cassinelli was giving instructions, and at some point, I believe I moved back towards either my car or another car that was further east on Capp. Officer Cassinelli instructed the driver to come back, to which he complied. Officer Smets and Officer Carroll moved in as the arrest team. The subject, the driver was

prone out just, I believe it was just in front of the police car, in-between there and the Honda Civic. Officer Smets and Officer Carroll moved in as the arrest team. I want to say I broke cover briefly to cover them, because they were operating in a kind of an open space and knowing that there was someone in the rear of the trunk, I tried to keep my eyes on the rear of the trunk, because I didn't know what was going there. They brought him back. They detained the driver, put him in the rear of, I believe it was our patrol vehicle.

Then we focused our attention on the person in the trunk of the car. Again, Officer Cassinelli and other officers gave him commands to show us his hands and exit the rear of the vehicle; he was not complying. It was thought that maybe he didn't understand the commands that were given to him in English. Officer Banegas arrived on-scene, and she started giving him instructions in Spanish. There was no compliance or reaction to her commands in Spanish.

At some point, Officer Santana instructed or told the person in the rear of the vehicle that he was going to fire a bean bag, a less-lethal, the

ERIW, at the subject if he didn't exit the vehicle or comply. Again, there was no response. Officer Santana, using the ERIW, fired a bean bag round in the direction of the person in the back of the Honda Civic. I wasn't sure exactly if he struck the person's hand that was holding down the hatch or if he just struck the car, and it stalled him. At that point, the hatch opened up, and then moments later, the person in the back of the car, with their left hand, turned towards us, and pointed a firearm in our direction. Yelled an expletive of some sort, I can't remember, it was a loud yell; it was an expletive of some sort.

At that point, I and other officers fired our weapons at the suspect in the back of the vehicle. I believed it was a firearm that he was pointing at us, so I fired my firearm at him. Once the gunfire had stopped, we checked to see, we waited to see if the threat had been neutralized, and we also waited for another unit to grab a shield, so that we could move in. It was also at that point that I realized that there was another person in the back of the car. I could hear the person we detained prior, saying that his girlfriend was in the back of the

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car. We continued to give directions to her, to which she was not complying with. I remember going back and asking him what her name was, so that maybe we could try and connect on a more person level. He told me her name was [Christina], which I relayed to Officer Banegas. At some point, other officers moved in with a shield, and we all, we moved in on the person in the back of the car. And also, simultaneously, an arrest team moved in towards the female in the back of the car and took her into custody.

After that, I walked down Capp Street, just to see if there was anybody else that may have been affected by the gunfire or that may have been involved. Once I figured it was clear, I turned back to the incident scene. At which point, our sergeants and our lieutenants had directed us to the west side of Capp Street, and we waited there for further instruction. It was probably 10-15 minutes that we were standing there. At which point, they transported us back to the station, where we waited for further instruction, and we met with POA reps and attorneys at that point.

SERGEANT TORRES: Okay. All right. So,

Officer Gustilo, were you trained in the operation of the body worn camera unit, and if so, when were you trained?

OFFICER GUSTILO: I was trained, and I took the training in December of 2017.

SERGEANT TORRES: Okay. And where was that? Were you already, I guess you were…

OFFICER GUSTILO: It was here. It was Headquarters.

SERGEANT TORRES: Okay. And were you still, were you on probation then?

OFFICER GUSTILO: Yes, I'm still on probation.

SERGEANT TORRES: You're still on probation?

OFFICER GUSTILO: Correct.

SERGEANT TORRES: So, at that time, were you done with FTO?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. All right. So, you were assigned, and you had to respond here, and went through the training here?

OFFICER GUSTILO: Correct.

SERGEANT TORRES: Okay. Did you receive a

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PowerPoint pamphlet with the training?

OFFICER GUSTILO: Yes, I did.

SERGEANT TORRES: Okay. Do you regularly test your…and obviously, I want to state this for the record, when I refer to the BWC, I'm talking about the body worn camera.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: Okay. Do you regularly test your BWC prior to the beginning of your shift?

OFFICER GUSTILO: I do.

SERGEANT TORRES: Okay. Did you test your BWC prior to the start of your shift on March 6th, 2018?

OFFICER GUSTILO: I can't recall exactly, but I know one of the first things I do getting in the car, is I turn it on and make sure it connects, and if does, then I'm all set.

SERGEANT TORRES: Okay. So, you don't recall any issues or irregularities with the BWC that day?

OFFICER GUSTILO: No.

SERGEANT TORRES: Okay. So, you just talked about testing your BWC. Can you tell me how you test it?

OFFICER GUSTILO: I jus turn it on, wait for it to flash green, and if it flashes green, I'm good to go. I also, at certain points throughout my shift, I'll also tag videos on my phone.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: So, I try to do them throughout the day, so I'm not backed up, backlogged with videos.

SERGEANT TORRES: Right.

OFFICER GUSTILO: And I'll tag them on my phone, so I know it's connecting properly.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: And all that fun stuff.

SERGEANT TORRES: So, you know that's a requirement as part of the testing, prior to your shift, that you turn it on, you pair it with the phone?

OFFICER GUSTILO: Uh-huh.

SERGEANT TORRES: Okay. So, how do you know that when you…the BWC stored at Mission Station, where are they located?

OFFICER GUSTILO: They're in the armory.

SERGEANT TORRES: Okay. And they're stored on a docking station?

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OFFICER GUSTILO: Yes.

SERGEANT TORRES: The docking station has about a dozen cameras?

OFFICER GUSTILO: Yeah, there's quite a few in there. I believe each little station holds six.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: But I could be wrong.

SERGEANT TORRES: Okay. And so, there's a lot of cameras there. How do you know the one you're grabbing is yours?

OFFICER GUSTILO: Mine has my name on it, and we're also assigned a certain, particular docking station.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: I'm in dock nine, so.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: The Department puts our name on them, and then I also put an additional [one] a little bigger, then I notice it's got my name on it.

SERGEANT TORRES: Okay. So, did you have your BWC on your person the night of March 6th?

OFFICER GUSTILO: I did.

SERGEANT TORRES: Where was it mounted?

OFFICER GUSTILO: It was mounted on my chest.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: In the middle of my chest.

SERGEANT TORRES: Did you turn on your BWC?

OFFICER GUSTILO: I did.

SERGEANT TORRES: When did you turn on your BWC?

OFFICER GUSTILO: I believe as soon as I exited my vehicle.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: If not, immediately, fairly soon after I exited my vehicle.

SERGEANT TORRES: Was your BWC on and buffering at the time you exited your vehicle?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. How do you know it was on and buffering?

OFFICER GUSTILO: It's green. The light's green and it's buffering; it's in that buffering stage.

SERGEANT TORRES: Okay. Can we look at the video right now?

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OFFICER GUSTILO: Sure.

SERGEANT TORRES: Okay. So, I'm just going to start it over again. I'm going to go ahead and play it. Do you understand that if the camera is on and buffering, that you'll be able to view the recording, but they'll be no sound to it?

OFFICER GUSTILO: Thirty seconds prior to me.

SERGEANT TORRES: Right. As soon as you turn it on, if it's buffering, it's going to capture the 30 seconds back.

OFFICER GUSTILO: Prior.

SERGEANT TORRES: If it's on.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: If it's not on, or I should say if it's not on, it can't buffer.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: And once you turn it on, once it's turned on and depressed to record, it's going to capture everything right away.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: Okay?

(Video is played for seconds.)

SERGEANT TORRES: Okay. So, the point I

wanted to make is that it doesn't appear that it captured anything buffering.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: Okay? So, and of course…

OFFICER GUSTILO: I may have misspoken then. I thought it was buffering prior. If it wasn't, then that was, I didn't mean to lie about anything. I may have…

SERGEANT TORRES: No, no. So, the point of me bringing this up is we want people to follow the policy. We want them to have it on and buffering, because you never know what's around the corner.

OFFICER GUSTILO: Sure.

SERGEANT TORRES: And all's you have to do…you don't have to think about it if it's on and buffering, all's you have to do is tap.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: So, no. I don't take it that you were intentionally misleading. I just wanted to point this out to you.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: That's why I asked if you were trained and do you test your equipment, because that's what we're supposed to do. That's

how we know if we have the proper unit, whether it's marked or not, or if it's malfunctioning. We need to know that as well, because then we need to go back to the manufacturer, that whole nine yards.

OFFICER GUSTILO: Okay.

SERGEANT TORRES: So, these are put in place for specific reasons. Okay?

OFFICER GUSTILO: Okay.

(Static is heard from BWC paused in Background.)

SERGEANT TORRES: Officer Gustilo, did you draw your firearm?

OFFICER GUSTILO: I did.

SERGEANT TORRES: Can you tell me why you drew your firearm?

OFFICER GUSTILO: I drew my firearm, because the initial call came out as a robbery with a gun, and when you hear someone with a gun, typically, we will draw our firearms to address the threat, until we have figured out there is none or addressed accordingly.

SERGEANT TORRES: Okay. And you told me you were to the east of Officer Cassinelli?

OFFICER GUSTILO: Yes.

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SERGEANT TORRES: So, you're east of Officer Cassinelli. Were you behind cover?

OFFICER GUSTILO: There were points where I was and points where I broke cover during the incident.

SERGEANT TORRES: Okay. So, when you broke cover, can you tell me why you broke cover?

OFFICER GUSTILO: Initially, I broke cover because of the initial rest team that had arrested or detained the driver, they were operating outside of cover. So, I wanted to make sure I was able to cover them, should something happen with someone else in the car or the person in the trunk. That's when I initially broke cover, and at the second...I don't believe once I had broken cover, I don't, because we were already so...my partner and, I think, Officer Carroll, who was to my left, we were all already out of cover. Everything just happened so quickly, I don't remember. I don't have a good reason as to why we didn't, or I didn't go back to cover at that point.

SERGEANT TORRES: Okay. So, I know you told me you were at certain points, behind cover and then not behind cover. At any point, where you

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behind concealment?

OFFICER GUSTILO: No, I don't believe so. No.

SERGEANT TORRES: Okay. And just to be clear, do you know the difference between cover and concealment?

OFFICER GUSTILO: Concealment is when I'm clearly out of view or out of sight of the threat. Cover is where I'm, I don't know, cover from the immediate threat.

SERGEANT TORRES: Okay. Did you receive training regarding cover and concealment?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Did you fire your weapon?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: And why did you start firing?

OFFICER GUSTILO: I started firing because I saw a firearm. The subject that was in the rear of the vehicle, had a firearm in his left hand, and raised it towards us, or in the direction of other officers and myself.

SERGEANT TORRES: Did you see anything else?

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OFFICER GUSTILO: Once I saw the firearm and I believed I had a clear shot, I fired my firearm. I didn't see his muzzle flash initially.

SERGEANT TORRES: Uh-huh.

OFFICER GUSTILO: But I did see his firearm come up from the rear of the car.

SERGEANT TORRES: And came up how?

OFFICER GUSTILO: His left-hand kind of bowing, turning, I guess, to his right, in our direction.

SERGEANT TORRES: As slow as you're doing it now?

OFFICER GUSTILO: I don't remember exactly. I can't remember. It all happened pretty quickly.

SERGEANT TORRES: Oka.

OFFICER GUSTILO: I don't remember the exact speed at which he raised his hand.

SERGEANT TORRES: Okay. So, what you just told me about, can you tell me what, as a totality, what was going through your mind at that point?

OFFICER GUSTILO: Initially, getting there, I was concerned because anytime you hear a gun call, it's a dangerous situation for all parties involved. I was heightened by the fact that he

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wasn't complying to any of our commands prior. I don't know the exact timeframe as how long from the point we got on-scene, we give him directions, to the point the OIS occurred. I don't know the exact timeframe, but I felt it was quite a long time. So, as more time lapses, I guess the greater your awareness, you know, it starts to feel more and more serious.

SERGEANT TORRES: Right.

OFFICER GUSTILO: And at the point where he actually raised the gun at us, in which case, knowing everything prior to that, I feared for my safety and the safety of all my fellow officers, and fired my firearm.

SERGEANT TORRES: Did you use your sights to acquire sight picture or did you point shoot?

OFFICER GUSTILO: I can't remember exactly. I believe I pointed and had a clear, I felt like I had a clear shot. I don't think I was able to acquire my sights at that point.

SERGEANT TORRES: Did you use two hands or one hand?

OFFICER GUSTILO: I believe I used two hands; I drew out with two hands.

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SERGEANT TORRES: Do you know how many rounds you fired?

OFFICER GUSTILO: I can't say for sure, it was two, maybe three, but I can't, I'm not exactly sure.

SERGEANT TORRES: Okay. So, why did you stop firing?

OFFICER GUSTILO: I think that's, personally, I think that's just kind of how, I think maybe the way I was trained. Shoot a few rounds and then re-assess, and at that point, it was a lot of gun smoke, so it was getting really cloudy, and not being able to clearly see what's going on. But that's usually just how I assess after a few rounds, or after I feel that the threat has been addressed. So, I stopped and there was no movement, and I felt like the threat, at that moment, was addressed.

SERGEANT TORRES: Okay. And what exactly were you shooting at?

OFFICER GUSTILO: I was shooting at the individual who was in the trunk of the vehicle, who pointed a firearm at us.

SERGEANT TORRES: Do you recall what your

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backdrop was?

OFFICER GUSTILO: I cannot.

SERGEANT TORRES: Do you know if it was clear?

OFFICER GUSTILO: I know that on the opposite side, there was a garage. I don't remember seeing any other people. That's all I remember, that there was a garage.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: Just behind my vantage point on the person in the back of the car was.

SERGEANT TORRES: Were there officers in front of you when you fired?

OFFICER GUSTILO: In the moment, I thought like Carroll and Chiu were to my immediate sides, but looking at my body camera footage, it looked like they were to my sides and slightly in front of me.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: You know, when you're there, you kind of zone in on what's in front of you.

SERGEANT TORRES: Right.

OFFICER GUSTILO: So, looking at my video

camera footage, it looks like they're to my sides, but also somewhat in front of me.

SERGEANT TORRES: Okay. So, at the time you fired, where was your focus?

OFFICER GUSTILO: It was on the trunk of the vehicle, the person in the trunk of the vehicle.

SERGEANT TORRES: Okay. So, on this photo right here, it was taken from the body cam, the BWC camera that was assigned to you.

OFFICER GUSTILO: Uh-huh.

SERGEANT TORRES: Does this appear to be about the placement you were?

OFFICER GUSTILO: I guess so, yes.

SERGEANT TORRES: Okay. I know it's cut-off here and if you want, I could pull it up from here, if you want to verify that.

POA ATTY NOBLES: Would that be helpful to you?

OFFICER GUSTILO: That appears, uh, Officer Carroll, and I know he was just to my left.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: So.

SERGEANT TORRES: Okay. And this image, it

may be skewed more, but I just printed it out for reference. So, would you do me a favor and just mark where you're concentrating on? If you can recall, where you were concentrating, or where your attention was focused?

OFFICER GUSTILO: Just circle it or X it?

SERGEANT TORRES: Circle it.

OFFICER GUSTILO: Just in this area here.

SERGEANT TORRES: Okay. Okay. Do me a favor, Officer Gustilo, just initial it on the back.

OFFICER GUSTILO: Yeah.

SERGEANT CRUDO: Your Star number.

SERGEANT TORRES: Thank you. Okay. So, did you notify a supervisor of your discharge, and if so, to who?

OFFICER GUSTILO: It was Sergeant Shugars, I believe, on-scene.

SERGEANT TORRES: Did you happen to recognize the suspect in the trunk?

OFFICER GUSTILO: I did not, no.

SERGEANT TORRES: Did you try to establish communications with the suspect in the trunk?

OFFICER GUSTILO: I believe a couple of

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times I might have said, "Hey. Hey," you know, when he was reaching down, but it was other, you know, officers who were closer and had more direct contact with him. So, they were more the primary contact with the person in the trunk.

SERGEANT TORRES: Okay. Did you hear the suspect say anything prior to the shooting?

OFFICER GUSTILO: No. I mean other than him yelling, prior to raising the gun, the expletive, I didn't hear him.

SERGEANT TORRES: Do you recall what that was?

OFFICER GUSTILO: I thought it might have been a fuck or a fuck you, something to that effect.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: It just seemed like a really loud yell.

SERGEANT TORRES: Okay. Did you happen to see the female in the rear of the vehicle, and if so, when did you notice her?

OFFICER GUSTILO: I didn't notice her. I want to say it wasn't until after the shooting had occurred.

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SERGEANT TORRES: Okay. Did anyone tell you that there was someone in the rear passenger area? Did you hear anybody say anything about someone in the back?

OFFICER GUSTILO: I don't recall. I don't recall.

SERGEANT TORRES: Did you receive directions or instructions from anyone while you were on-scene?

OFFICER GUSTILO: Prior to the incident or?

SERGEANT TORRES: At any time.

OFFICER GUSTILO: Not until, it wasn't until everything that happened.

SERGEANT TORRES: After the OIS?

OFFICER GUSTILO: After the OIS that we were directed to the west side of Capp Street, where we received further direction from our lieutenant.

SERGEANT TORRES: Got you. Did you discuss a plan of action with anybody?

OFFICER GUSTILO: Prior to the OIS or after it?

SERGEANT TORRES: Prior to the OIS?

OFFICER GUSTILO: There was no time, it

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just happened really quickly.

SERGEANT TORRES: Okay. Do you know who was in charge of the incident prior to the OIS, after the OIS, at any time?

OFFICER GUSTILO: Lieutenant Banta.

SERGEANT TORRES: Okay. How about prior to the OIS?

OFFICER GUSTILO: I can't recall.

SERGEANT TORRES: Did you notice a supervisor on-scene, and if so, when?

OFFICER GUSTILO: I know after I'd seen Sergeant Shugars there, Sergeant [Pena] was there. I can't remember if I saw him prior or after.

SERGEANT TORRES: You said Sergeant [Pena]?

OFFICER GUSTILO: No, I'm sorry, not Sergeant [Pena]. I'm blanking out on his name right now. He's a midnight sergeant.

SERGEANT TORRES: Are you thinking about Sergeant Perez?

OFFICER GUSTILO: Perez, yes. I'm sorry, Sergeant Perez. I don't remember at what point I saw him, but he was there. I believe Sergeant Barcena was there as well.

SERGEANT TORRES: Okay. But you're not sure

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if there's a supervisor on-scene prior to the shooting?

OFFICER GUSTILO: I can't. I was focused on what was in front of us at that point.

SERGEANT TORRES: Okay. If you know, what warnings were given prior to the OIS, and by whom, if you heard some?

OFFICER GUSTILO: I know Officer Cassinelli gave multiple commands to exit the trunk, show his hands. Like I said earlier, Officer Banegas arrived on-scene and was a Spanish translator, and she gave instructions in Spanish, I should say.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: Those were the two that I seem to remember giving instructions.

SERGEANT TORRES: Giving instructions or warnings?

OFFICER GUSTILO: Both, and I believe Officer Santana, prior to deploying the ERIW, gave instructions and warnings in Spanish; English and Spanish.

SERGEANT TORRES: Okay. Do you think any other forms of force options were available to you?

OFFICER GUSTILO: Not at that time, no.

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SERGEANT TORRES: Okay. Can you discuss the reasonableness or the feasibility of force options that are generally available to the SFPD, and can you explain to me why you don't believe they were reasonable?

OFFICER GUSTILO: I mean, the first option, of course, is giving verbal commands, and he wasn't listening to any of those. At the point that we knew that he had a firearm in the vehicle, it escalates from there. You kind of bypass the baton, any holds you have at that point, your pepper spray, and you immediately go, you meet force with necessary force. So, I went to my firearm at that point.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: We did deploy, or Officer Santana did deploy the ERIW, less-lethal bean bag round, hoping that he would comply using that force option, but he did not.

SERGEANT TORRES: Okay. So, from the time you arrived on-scene to the discharge of your firearm, what was your perception of time? How long was that, if you recall?

OFFICER GUSTILO: I can't recall. It's

[unintelligible] to say, but it seemed long, but it happened so quick at the same time.

SERGEANT TORRES: Briefly, earlier, you talked about Officer Carroll. If I heard you correctly, he was to the side of you?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: And judging by the BWC, I guess he'd be on your left side?

OFFICER GUSTILO: Correct.

SERGEANT TORRES: Do you know if he was behind cover or concealment?

OFFICER GUSTILO: I can't recall. I can't recall.

SERGEANT TORRES: When did you turn off your body worn camera?

OFFICER GUSTILO: It was well after, it was back at the station. We were instructed to do so after, I believe it was Lieutenant Banta at that point.

SERGEANT TORRES: To turn off the camera?

OFFICER GUSTILO: To turn off the camera is correct.

SERGEANT TORRES: Was he the one that physically told you or was it through his order?

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OFFICER GUSTILO: I can't recall.

SERGEANT TORRES: Okay. Did you give a Public Safety statement?

OFFICER GUSTILO: I don't remember if I did or not.

SERGEANT TORRES: Do you know what a Public Safety statement is?

OFFICER GUSTILO: No.

SERGEANT TORRES: So, generally, after an OIS, the first supervisor on-scene is supposed to obtain a Public Safety statement from the officer, as to are there any outstanding suspects? Is there any other danger to the public? If you fired, what direction? We want to ensure, to check that area to ensure that if someone needs help, we can render aid to them. If there's any other area where there's potential evidence, we need to seal that off. So, in general, that's what should be asked of the officer involved in an incident, that way we can preserve the scene, preserve the evidence.

SERGEANT CRUDO: Protect the public.

SERGEANT TORRES: Protect the public. So, you don't recall anybody…?

OFFICER GUSTILO: I can't recall.

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SERGEANT TORRES: Okay.

SERGEANT CRUDO: Do you recall…sorry.

SERGEANT TORRES: It's okay.

SERGEANT CRUDO: While you're here, do you recall at any time, you know, before leaving the scene, prior to leaving the scene, do you recall any supervisors? You mentioned seeing Shugars, Perez, and Barcena at some point on-scene. Do you recall any of them or any other supervisor, a sergeant or lieutenant, coming up to you, possibly with a blue card, asking you a series of questions?

OFFICER GUSTILO: I can't recall.

SERGEANT CRUDO: Okay. Because that, the way the Public Safety statement is usually acquired.

OFFICER GUSTILO: Yeah?

SERGEANT CRUDO: Is through a series of questions. So, it's not like you made a big statement. They'll ask you some questions, and go, "Okay. Now I've got some kind of context for where the scene is or what the threats are, or where are the dangerous pieces of this thing."

OFFICER GUSTILO: I don't remember anybody coming up to me with a blue card.

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SERGEANT CRUDO: Okay.

OFFICER GUSTILO: Whether it happened, yeah.

SERGEANT CRUDO: Okay. How about after at Mission?

OFFICER GUSTILO: No, I don't…I know there was questions about years of service, and all that stuff, but I don't remember about…

SERGEANT CRUDO: At Mission Station?

OFFICER GUSTILO: At Mission, but there was nothing. I don't remember making any statement.

SERGEANT CRUDO: Okay. Do you remember who was asking you about your years of service, and stuff like that?

OFFICER GUSTILO: It was a couple of people that asked me, a Sergeant [Russell] was one, and then she's now sergeant, she was an officer, and she just got recently promoted.

SERGEANT CRUDO: So, at the time, she was an officer?

OFFICER GUSTILO: I believe she had just become a sergeant at that point.

SERGEANT CRUDO: Okay.

OFFICER GUSTILO: Not Sergeant [Russell],

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it was another sergeant. She was, I can't remember her name now. I don't remember her name. All I know is she's a boxer. Man, I'm blanking out on her name.

SERGEANT CRUDO: Okay. It's okay.

OFFICER GUSTILO: Yeah.

SERGEANT TORRES: That sergeant that you're referring to, is that sergeant assigned to Mission Station.

OFFICER GUSTILO: No. No, I believe she's a POA rep, and then she showed up that evening.

SERGEANT TORRES: Okay. Were you separated and monitored after the shooting?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. And who monitored you?

OFFICER GUSTILO: I was in the sergeant's office, and Sergeant Barcena was there, and then Sergeant Russell would come by and check-up on me.

SERGEANT TORRES: Did you discuss this incident with anyone, prior to meeting with your representative?

OFFICER GUSTILO: No.

SERGEANT TORRES: Have you been involved in

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a critical incident prior to this one?

OFFICER GUSTILO: I mean, I've been at critical incident scenes, but nothing of this magnitude.

SERGEANT TORRES: So, you haven't been intimately involved in another shooting?

OFFICER GUSTILO: Barricaded suspects, but that's probably it. We've been on felony car stops before, but no OIS or anything.

SERGEANT TORRES: Okay.

OFFICER GUSTILO: The RV OIS, I guess, we showed up on-scene, but it was well after the OIS had occurred.

SERGEANT TORRES: Okay. Did you suffer any physical injuries as a result of this incident?

OFFICER GUSTILO: No.

SERGEANT TORRES: Has the incident impacted you in other ways, such as loss of sleep, appetite?

OFFICER GUSTILO: No.

SERGEANT TORRES: Because that is normal. It is normal after life-threatening situations, and so the reason I bring it up is I want to ensure that you understand that the Department has resources available, and it could be some time

after it. Okay? So, just, you're aware of the BSU?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: An employee assistance program?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. All right. John?

SERGEANT CRUDO: Okay. A couple of things just to kind of follow through. [Unintelligible.] So, I'm just going to go through my notes in order to [unintelligible] questions he asked you. No prior law enforcement, no prior military. Any prior First Responder experience? Ambulance, anything like that? No?

OFFICER GUSTILO: Uh-uh.

SERGEANT CRUDO: Okay.

OFFICER GUSTILO: [redacted].

SERGEANT CRUDO: Okay.

POA ATTY NOBLES: [redacted].

SERGEANT CRUDO: I just want to get back to, we were talking about, we were discussing kind of what you saw just prior to shooting. You talked about the way he moved around, and then when he brought his left hand out, and you demonstrated,

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kind of, raising your hand, and bringing it across your body, and all that. When you did it here for us, you did it kind of in a deliberate fashion. Sergeant Torres asked you if that was kind of… you were demonstrating a speed, if you were demonstrating it at the speed it occurred, and you kind of went back and forth basically. At some point, you used the adjective 'quickly'.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: Okay. So, what you were demonstrating was or was not the speed of it or?

OFFICER GUSTILO: I was more referencing the motion or the direction. The speed, it's difficult to replay.

SERGEANT CRUDO: And I wouldn't expect that you would have had a speed gun on him or anything like that, but I mean just, if you were to some how quantify. You said quickly, so was it a rapid movement or quick movement?

OFFICER GUSTILO: It was rapid. I mean, the blink of an eye. You know, it was that quick that it wasn't a slow-pitch softball, it was a fast ball, down the middle, it was quick.

SERGEANT CRUDO: Okay.

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OFFICER GUSTILO: Very quick.

SERGEANT CRUDO: Okay. And then, I want to talk about, if I can go back to this photo for a second. So, you've circled this area around the trunk. Right?

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: And we used a gold pen on this, and that sort of… So, in terms of your focus, you've talked a couple of times about your focus was on the threat, your focus was on the threat.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: So, the area that's circled is sort of the center of the threat that you were focused upon. Is that correct?

OFFICER GUSTILO: Yes.

SERGEANT CRUDO: Okay. So, and you may want to make sure that I'm saying this correctly. In terms of kind of what you see, so this is a photograph. This is a photograph that is the camera's view, and it is not necessarily what you perceived or picked up at the time that you were encountering this threat.

OFFICER GUSTILO: Sure.

SERGEANT CRUDO: Is that correct?

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OFFICER GUSTILO: Yeah.

SERGEANT CRUDO: So, would this photograph be an accurate depiction of what you perceived at the time or what you were able to observe at the time of the incident? Or was it perhaps, more limited? Is the entire photograph something that you captured at the time visually or would it be reduced? Would it be a smaller area? Does that make sense? Do you understand my question?

OFFICER GUSTILO: I don't fully understand it, no.

SERGEANT CRUDO: Okay. There is a difference in a video camera system and human eyes.

OFFICER GUSTILO: Sure.

SERGEANT CRUDO: And we react certain ways physiologically under stress. We talked about tunnel vision or narrow focus.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: You've talked several times about your focus on the threat. And when I hear that, I hear sort of a narrow focus, where you're excluding other things that are probably less threatening to you at that time, and that's sort of human physiology. Right?

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OFFICER GUSTILO: Uh-huh, sure.

SERGEANT CRUDO: So, that being said, you may or may not have captured, even though you're in the approximate position that's captured by your body camera. You may not have visually seen everything that your body camera captures.

OFFICER GUSTILO: I see. Yep.

SERGEANT CRUDO: Now, in this case, your recollection, you talked about a backdrop of being a garage and some other things, which we see here. Do you recall, do you have a sense that you saw pretty much everything that's captured here, or was it more narrow, closer to that circle that you drew, or closer to the edge of the photo? Does that make sense?

OFFICER GUSTILO: Kind of. I mean at the moment, just prior to the OIS, I know I was very focused on here.

SERGEANT CRUDO: And you're pointing to the circle that you drew.

OFFICER GUSTILO: Where I circled, correct.

SERGEANT CRUDO: At the exclusion of the other information that the camera captures?

OFFICER GUSTILO: I don't recollect.

SERGEANT CRUDO: Don't know? Okay.

OFFICER GUSTILO: I don't know.

SERGEANT CRUDO: Fair enough.

OFFICER GUSTILO: In that moment, I know I saw this other stuff, so I knew it was there, but I know I was concerned with what was in this circle here.

SERGEANT CRUDO: Okay.

OFFICER GUSTILO: I don't know if that answers your question or not?

SERGEANT CRUDO: No, no, no, and that's fine. And it's a difficult question to ask, I just wanted to see if there was something more to that. Talking about, I think, Sergeant Torres referenced Officer Carroll is visible in this photo.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: Specifically seeing whether or not you noticed Officer Carroll was behind cover.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: And you said you couldn't recall, at the time.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: So, but you had said that

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you had cover initially and you broke cover.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: Because officers on the arrest team of the driver had broken cover.

OFFICER GUSTILO: Correct.

SERGEANT CRUDO: Right. And you basically remained in that general area.

OFFICER GUSTILO: Yeah.

SERGEANT CRUDO: For the duration of the incident, at least to the point that shots were fired.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: Is that correct?

OFFICER GUSTILO: Yes.

SERGEANT CRUDO: Okay. So, were you aware that Officer Carroll was in that area, outside of cover?

OFFICER GUSTILO: I thought he was, the question was earlier if I was aware that he was out of cover, which I wasn't aware of him. I knew I was out of cover.

SERGEANT CRUDO: And then you were out of…

OFFICER GUSTILO: Yeah. Whether he was out of cover or not. I knew we broke cover at certain

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points, but I didn't want to speak on his behalf or say whether he was or wasn't, because I wasn't sure. I know where I was standing, I don't believe I had cover from where I was at.

SERGEANT CRUDO: Okay. And so, you didn't notice, or you didn't see whether or not Officer Carroll…?

OFFICER GUSTILO: I didn't see whether he had cover. I knew he was to my left, but I didn't know if, what was immediately in front of him.

SERGEANT CRUDO: But you did break cover, because other officers for the arrest team had broken cover.

OFFICER GUSTILO: Correct.

SERGEANT CRUDO: At some point, you knew that other officers were out of cover?

OFFICER GUSTILO: Correct.

SERGEANT CRUDO: But do you know what happened to them? One of them, because he's visible on this photograph and he's been mentioned in this interview, one of them is Officer Carroll.

OFFICER GUSTILO: Correct.

SERGEANT CRUDO: Right. So, are you aware of what happened to them or how did, was your

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concern that they were out of cover alleviated at some point?

OFFICER GUSTILO: Once they'd taken the driver back, I knew that they were. Once they had taken the driver back, then I knew at that moment, I should have gotten back to cover, but I don't know if I'm answering your question correctly or not?

SERGEANT CRUDO: Well, it's tough, because…

OFFICER GUSTILO: I know Officer Smets, I believe Officer Smets took the driver back to the car, and where he went from there, I don't know. I'm not sure where he went, once he had taken the driver back. All I know is that Officer Carroll helped cuff, and if I can remember correctly, we ended up back on that same side, on the left.

SERGEANT CRUDO: Was the cuffing stuff happening in this general area, or was it back towards [unintelligible]?

OFFICER GUSTILO: This doesn't show it, I believe. I want to say the primary vehicle, Cassinelli's vehicle. Right?

SERGEANT CRUDO: It's right here.

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OFFICER GUSTILO: Yeah.

SERGEANT CRUDO: So, the cuffing was out in here?

OFFICER GUSTILO: It was somewhere here.

SERGEANT CRUDO: And you're pointing in the area of the vehicle.

OFFICER GUSTILO: This.

SERGEANT CRUDO: Okay.

OFFICER GUSTILO: In front of the car.

SERGEANT CRUDO: Okay. And I just want to say for the record. So, like we're looking at this photograph, which is one-frame of a video, of something that's happening very, it's rapidly evolving, tense, uncertain.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: Highly stressful. It's very easy for us to sit here, I mean, I get that. We're looking at this thing and we have all the luxury of sitting here, and you were going through this incident that's rapid (snaps fingers three times quickly), tense, and uncertain.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: And I get that. I'm just trying to understand, sort of, some of the dynamics

of this. Okay? Does that make sense?

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: So, you had said in your interview, early in the interview, that you came out, broke cover. You also referenced that there was another threat in the vehicle that you were aware of.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: Okay. So, what was your expectation at that time? I mean in terms of the driver's brought back to the vehicle.

OFFICER GUSTILO: Uh-huh.

SERGEANT CRUDO: You're out of cover covering the threat of the vehicle.

OFFICER GUSTILO: Yeah. The only thing I could think of is was that we were going to bring him back towards us, and Officer Carroll and I…

SERGEANT CRUDO: Which one?

OFFICER GUSTILO: The person in the back of the car, in the trunk.

SERGEANT CRUDO: So, the guy who ends up firing?

OFFICER GUSTILO: Right.

SERGEANT CRUDO: You're going to [call]

him back to you?

OFFICER GUSTILO: Yes.

SERGEANT CRUDO: Your position?

OFFICER GUSTILO: Well, Officer Cassinelli, whoever was directing him, would at some point, draw him back to us, and we would act as the arrest team.

SERGEANT CRUDO: So, your expectation was that you would have to do the same thing you had done with the driver?

OFFICER GUSTILO: Yes. That we were going to take him into custody at that point.

SERGEANT CRUDO: All right. And so, and obviously, we can't speak for Cassinelli, we don't know why he's there, but your expectation is that it's going to be the second phase of what [you did]?

OFFICER GUSTILO: Yeah. I mean, you're just trying, you know, like you said, we're out there and everyone's just trying to read each other's cues and movements, and if you have the moment. I don't know who, if there were conversations about who was going to move in as the arrest team, but I think we were just playing off of instinct, and who

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was closest to what, and kind of taking it from there.

SERGEANT CRUDO: Okay. And we've talked a little bit, and through the course [unintelligible], sort of narrow focus and some of those things. We talked about your kind of sense of time and how difficult it was to gauge kind of how quickly. I think you said, "It seemed fast in a short amount of time," or, "Short in a fast amount of time"?

OFFICER GUSTILO: It seemed like a long time, but it was also very quick.

SERGEANT CRUDO: Right.

OFFICER GUSTILO: That doesn't make any sense, but you know.

SERGEANT CRUDO: And it's not uncommon, like in a highly stressful life-threatening encounter that your sense of time gets disrupted or distorted. For lack of a better term, you tunnel vision or narrow focus on a threat. Were you aware of any other maybe physiological changes in yourself as this encounter kind of climaxed, such as like maybe shortness of breath, or maybe you felt your heart just thumping in your chest, or

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maybe your hands shaking, or anything like that? Were you aware of anything else that you might have experienced?

OFFICER GUSTILO: I don't recall during the experience. I mean after, Loren and I kind of looked at each other, and we kind of both like made sure we were both okay, and then kind of took some deep breaths. But during the incident, I don't recall if I was going through any physiological changes that I particularly noticed.

SERGEANT CRUDO: That registered with you?

OFFICER GUSTILO: Yeah, yeah.

SERGEANT CRUDO: Okay. Fair enough. And that's it.

SERGEANT TORRES: All right. I'm just going to...Mister Nobles, do you have anything?

POA ATTY NOBLES: No. Just real quick, right after the shooting, I believe you mentioned something about doing some investigation in the area.

OFFICER GUSTILO: Uh-huh.

POA ATTY NOBLES: Could you go over that real quickly? What did you do?

OFFICER GUSTILO: So, once we took the

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female, who was in the back of the car, into custody, I and a couple of the other officers continued up Capp Street, just to see if there was anybody else involved, anybody else injured. We probably walked, I don't know, mid-block, and then once we realized it was okay, we walked back.

POA ATTY NOBLES: Good. Okay. That's all I have.

SERGEANT TORRES: Okay. All right. Officer Gustilo, So, is there any other information relevant to this incident that I haven't asked you about that you believe I should know, that may aid me in my administrative investigation?

OFFICER GUSTILO: No.

SERGEANT TORRES: All right. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone else, other than your representative. Do you understand that?

OFFICER GUSTILO: Yes.

SERGEANT TORRES: Okay. All right. That concludes this interview. The time is 1442.

END OF DOCUMENT

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DPA
San Francisco Department of Police Accountability

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Tuesday, March 26, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER JOHN ISHIDA #2035	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/4/2019 at 9:00 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

DPA
San Francisco Department of Police Accountability

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NOTICE TO APPEAR

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DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Tuesday, March 26, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER JOHN ISHIDA #2035	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/4/2019 at 9:00 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

Fold Here First

DPA Use Only

Fold Here Second

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25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

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City and County of San Francisco
Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18
Incident Report or Citation No.		
[redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	John Ishida #2035	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SGT. PILAR TORRES: Okay. This interview is regarding OIS Case number [redacted]. This interview is taking place at the Office of Internal Affairs Division. Today's date is Wednesday, June 20th, 2018. The time currently is 16:28 hours. Conducting this interview is Sergeant Pilar Torres, star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is--Officer, please spell and state your star number?

OFFICER JOHN ISHIDA: Officer Ishida, I-S-H-I-D as in David-A. Star number 2035.

SGT. TORRES: Officer Ishida, your first name, please?

OFFICER ISHIDA: John.

SGT. TORRES: And Officer Ishida is the named member in this matter. Representing Officer Ishida is?

ATTY. ANTHONY BRASS: Tony Brass of 3223 Webster Street, San Francisco, 94123.

SGT. TORRES: Also present from the Internal Affairs Division is?

SGT. JOHN CRUDO: Sergeant John Crudo, C-R-

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U-D-O. Star number 1694.

SGT. TORRES: No one else is present. Officer Ishida, have you read the Notice Form regarding this administrative investigation in the notice I sent you?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Have you read and do you understand Department General Order 2.08 and Government Code 3303. I have some reference material if you need them.

OFFICER ISHIDA: No, I'm familiar with them, sir.

SGT. TORRES: Okay. Have you read and do you understand Department General Order 2.01, Rule 21, and Rule 49?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Because this is a confidential investigation, you are ordered not to speak about this interview to anyone outside of your counsel. Do you understand?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Do you understand that this interview is being recorded?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Officer Ishida, because there

may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an--to an attorney before and after questioning. Do you understand each of these rights that I have explained to you?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. With these rights in mind, would you like to speak with me now?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Okay. While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Davison of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you, on behalf of the Chief of Police, to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of you employment. Any statement you make under the

threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case. Your statement and any information and any information you provide will be held in--will be held confidential, consistent with the California Constitution, Article 1, Section 1, and the San Francisco City Charter and Administrative Code, and will not be divulged except by required by law. Do you understand this order?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay, Officer Ishida, will you answer my questions as ordered at this time?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay, as you know I monitored your voluntary interview with Homicide. I gave you a recording of that interview and the transcript. Have you had a chance to review that material?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay, Officer Ishida, it is not uncommon after a life-threatening encounter as the body works through the natural releases of adrenaline and other physiological reactions that additional things are remembered and memories and

perceptions become more clear. Having reviewed your interview, is there anything that was not covered in that interview that you would like to add to the record at this time, or anything that you'd like to clarify?

OFFICER ISHIDA: No.

SGT. TORRES: Do you have a specific and independent recollection of the incident that occurred on March 6, 2018?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Before we get in the heart of the interview, I'd like to briefly affirm some of the information as I understand it, based on your voluntary interview. Your name is Officer John Ishida, star, 2035?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Your date of birth is [redacted]

OFFICER ISHIDA: It's [redacted], sir.

SGT. TORRES: I'm sorry. That's what's written here and I misspoke. [redacted]. You entered the Department approximately [redacted]?

OFFICER ISHIDA: [redacted] as well, I'm sorry, sir.

SGT. TORRES: [redacted] Thank you. At the time

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of this incident, you were at Mission Station for approximately two years?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: At the time of this incident, you were working midnights, 21 to 07?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: The night of the incident you were wearing your Class B uniform?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. The night of the incident, you had Officers Winecoup and Bohannon as your partners?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Or as--

OFFICER ISHIDA: Recruits.

SGT. TORRES: Recruits. So you were their FTO.

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. So you were their FTO.

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. The night of the incident you were working as 3 David 91?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: The night of the incident you had your Department-issued Sig 226?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Did you deploy an ERIW?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Did you deploy with a rifle?

OFFICER ISHIDA: I'm sorry. You're asking--I apologize. I heard did I deploy the ERIW.

SGT. TORRES: Did you deploy--did you--

OFFICER ISHIDA: Check out of the Armory an ERIW?

SGT. TORRES: No. So did you arrive on-scene Capp Street with an ERIW? Or did you pull out the ERIW?

OFFICER ISHIDA: I understand. I apologize. No.

SGT. TORRES: Okay.

OFFICER ISHIDA: Sorry.

SGT. TORRES: And did you, on Capp Street did you handle a rifle?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Do you recall the night of the incident what vehicle you were in?

OFFICER ISHIDA: 1111.

SGT. TORRES: 1111. Okay. And were you driver or were you passenger?

OFFICER ISHIDA: I was passenger.

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SGT. TORRES: Okay. Prior to the night of the incident when was the last time you qualified with your handgun? Would it have been your regular [UNINTELLIGIBLE]--

OFFICER ISHIDA: Yeah, so December.

SGT. TORRES: Okay. Officer Ishida, do you have prior law enforcement experience?

OFFICER ISHIDA: No.

SGT. TORRES: Do you have prior military experience?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Do you have prior first responder experience, medic, fire?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Are you currently under the care of a doctor for any injury or illness?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Are you currently taking any prescribed or over-the-counter drugs or medication?

OFFICER ISHIDA: No, sir.

SGT. TORRES: The night of the incident, what was your sleep cycle prior to you reporting to work? Did you have a normal sleep cycle?

OFFICER ISHIDA: Yes.

SGT. TORRES: Okay. And about how many hours

is that? Would that have been?

OFFICER ISHIDA: A good day for me would be about 6 or 7 hours.

SGT. TORRES: Okay. And since you work midnights, did you--do you normally eat before going to work?

OFFICER ISHIDA: Yes.

SGT. TORRES: Did you happen to eat that night?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Was it a normal meal?

OFFICER ISHIDA: Yes.

SGT. TORRES: You had a normal day prior to--

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Your shift. Okay. Officer Ishida, do you wear corrective lenses?

OFFICER ISHIDA: No, sir.

SGT. TORRES: The night of the incident, had you taken any medication?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Okay. The night of the incident, had you consumed any alcohol or controlled substances?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Officer Ishida, can you

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describe to me your Department-issued equipment that you had on the night of the incident?

OFFICER ISHIDA: My Department-issued firearm.

SGT. TORRES: Okay.

OFFICER ISHIDA: My Department-issued OC spray. Department-approved handcuffs. Department-approved Rapid Containment Baton or RCB. My Department-issued magazines, just two. I'm trying to work my way around the belt. My Department-issued radio.

SGT. TORRES: Okay.

OFFICER ISHIDA: I think that's it.

SGT. TORRES: Okay. Were you ever issued a hobble?

OFFICER ISHIDA: Oh, yes, sir.

SGT. TORRES: Do you know if you had that that night?

OFFICER ISHIDA: I did, sir.

SGT. TORRES: Okay. Officer Ishida, what is your dominant hand?

OFFICER ISHIDA: Right hand, sir.

SGT. TORRES: And what hand do you shoot your handgun with?

OFFICER ISHIDA: Right hand, sir.

SGT. TORRES: Okay. The night of the incident, was your Department-issued Sig fully loaded?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. And so how many rounds would that be.

OFFICER ISHIDA: That would be 12 in the magazine and one in the chamber.

SGT. TORRES: Okay. And were your Department-issued magazines filled as well?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: And how many magazines is that?

OFFICER ISHIDA: That's two magazines.

SGT. TORRES: And it contains how many rounds?

OFFICER ISHIDA: Twelve rounds each.

SGT. TORRES: Okay. Do you know if your Department-issued handgun has any modification?

OFFICER ISHIDA: It does not. Or it did not.

SGT. TORRES: Officer Ishida, do you carry a personal or secondary firearm?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Do you have a personal firearm?

OFFICER ISHIDA: Yes, sir.

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SGT. TORRES: And what type of firearm is that?

OFFICER ISHIDA: It's a handgun--Smith and Wesson [BH2].

SGT. TORRES: And what caliber is that?

OFFICER ISHIDA: Nine millimeter.

SGT. TORRES: So Officer Ishida, in your words tell me why we are here today.

OFFICER ISHIDA: To interview me regarding an Officer-Involved incident that occurred March 6th, 2018.

SGT. TORRES: Okay. The one on Capp Street.

OFFICER ISHIDA: Yes.

SGT. TORRES: Okay. Officer Ishida, can you briefly summarize the incident from the time you heard the call until the time that you were--that you left Capp Street?

OFFICER ISHIDA: We were on a traffic stop based on 20th. Heard a unit go out with a Code 33. I wasn't sure if it was a Bayview or Mission unit so we kind of stopped what we were doing. Found out it was a Mission unit with a Code 33. End the traffic stop. And I--maybe two blocks away from us. So we make our way to Capp and 21st to find out where the traffic stop's at. I see the area,

there's like multiple cars that have arrived prior to us. I have Office Bohannon park our car in such a way as to just block on-coming traffic from the scene. We have--we all get out. I see two cars positioned to conduct a felony stop, if you will. I see the Honda--I think it's a Honda--with the trunk open and the individual inside the trunk. He's kind of laying on his side in the trunk. I see Officer Nagai kind of standing in between one patrol car and the parked SUV so I go to support Nagai. And I had heard--I'm sorry, I apologize, before we come 97, I had heard that this was a possible--[UNINTELLIGIBLE] 211, 221 so I was aware that it was a 221, possibly involved here.

SGT. TORRES: Sorry, just--

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Not to interrupt you but 221 and 211, if you can, just for the record.

OFFICER ISHIDA: Oh, I understand. I was advised over the radio that there was a possible on view robbery involving a firearm.

SGT. TORRES: Okay.

OFFICER ISHIDA: So anyway, so I come up to support Nagai and I see the individual in the trunk. He's refusing to obey several command, you

know, like show us your hands, get out of the trunk. Obvious to me, I see him--suddenly right side--I see him reaching behind his back, which is not a good feeling. And, you know, so multiple, "Hey, stop reaching, stop reaching, show us your hands, just get out of the trunk." Almost simultaneous to my arrival, to the best of my recollection, other officers had detained and cuffed the driver of the vehicle. So he had already been secured. So we kept talking to the guy in the trunk, hey, would you just show us your hands. Get out of the trunk. Officers realized--some officers realized there might be a language barrier here. So think Officer [Bananguez] comes and uses RPA to give him commands in Spanish. That's not working. And then Officer Santana elects to deploy the ERIW as a means to gain compliance. He's hit with the ERIW once. He didn't like that. And then I hear him say, "Man, fuck you." I see muzzle flash and then I hear gunshots. I thought I was gonna get shot or he was gonna shoot someone else so I returned fire. After that, the dust settles, we go up there with ballistic shields and remove him from the trunk, and myself, Officer Carroll, and Officer [Smetz] begin administering

First Aid to him. And then after that we kind of all gathered up and said, like, "Okay, this is now under investigation. Don't talk to anyone," and then I was transferred back to Mission Station.

SGT. TORRES: Okay. In your statement just now you were moving your hand, indicating that the individual was reaching for something but what--I saw which hand you were moving but this is being recorded. Can you tell me which hand that you saw?

OFFICER ISHIDA: Oh, so I'm trying to--to me, it was his left hand. It's his left hand.

SGT. TORRES: Okay. Okay. You also stated that when the individual was struck, you said "He didn't like that." How do you know he didn't like that with a ERIW?

OFFICER ISHIDA: He just--well, he made a face of pain, obviously.

SGT. TORRES: Okay.

OFFICER ISHIDA: And then a--and then we were looking at him and you could tell, he just looked angry at that point.

SGT. TORRES: Okay.

OFFICER ISHIDA: Almost like he'd made up his mind--you know, that hurt and then he just kind of like, you know, like--you know, he just looked

angry and it was very clear he did not enjoy getting hit with the bean bag.

SGT. TORRES: Okay.

OFFICER ISHIDA: So.

SGT. TORRES: So Officer Ishida, you just answered my first question but I'm going to go over it and ask it. And what was your status prior to this call?

OFFICER ISHIDA: Oh, the traffic stop.

SGT. TORRES: Traffic stop. Okay. And you were how many blocks away?

OFFICER ISHIDA: It came out at--the OIS occurred at 21st and Capp. Out traffic stop was at Mission and 20th. I guess two. I mean, if you go down--you know, east and then south.

SGT. TORRES: Okay. And how long did it take you to get from your traffic stop to the 600 block of Capp Street?

OFFICER ISHIDA: A minute maybe. Less.

SGT. TORRES: Officer Ishida, were you trained in the operation of the BWC? And when I say "BWC", I'm referring to the body-worn camera?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Do you recall when you were trained in it? Was it--

OFFICER ISHIDA: Maybe a year and a half to two years ago.

SGT. TORRES: Okay.

OFFICER ISHIDA: I was at Mission when I got trained.

SGT. TORRES: Okay. So it was maybe at the end of 2016.

OFFICER ISHIDA: That sounds about right.

SGT. TORRES: Okay. Officer Ishida, do you regularly test your BWC prior to the beginning of your shift?

OFFICER ISHIDA: I check to make sure it's charged and it turns on and off, yes.

SGT. TORRES: Did you test your BWC prior to the start of your shift on March 6th, 2018?

OFFICER ISHIDA: Yes.

SGT. TORRES: Did you notice any issues or irregularities with the BWC?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Can you explain to me how the BWC is tested? How you test it?

OFFICER ISHIDA: I take it out of charge port. Obviously you turn it on. Look at my phone to see the battery status. And then if--this is very rare but if the camera's giving me issues I'll

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check to see that it's playing video--you can do like a live view on the phone so I make sure that it's actually capturing video.

SGT. TORRES: Upon arrival at this incident on the 600 block of Capp Street, did you have your BWC on your person?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. Where was the BWC mounted?

OFFICER ISHIDA: Center mass. My [UNINTELLIGIBLE].

SGT. TORRES: During your shift, did you turn on your BWC?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: When did you turn it on?

OFFICER ISHIDA: At the beginning of shift.

SGT. TORRES: Okay. When you arrived on the 600 block of Capp Street, was your BWC on and buffering?

OFFICER ISHIDA: It was not, sir.

SGT. TORRES: Can you tell me why it wasn't?

OFFICER ISHIDA: So we were on the traffic side where it was activated. There, Code 33, there's a firearm, robbery, all sorts of stuff happening. So I told them, "We got to go." So I

just elected to click it off, to terminate that recording. It's faster than standing there for four seconds while you wait for the thing to turn off.

SGT. TORRES: Okay.

OFFICER ISHIDA: And I had the intention to click it off and click it back on but then my adrenaline took over and so we jumped in the car and went to the [UNINTELLIGIBLE].

SGT. TORRES: Okay. Officer Ishida, did you drawn your firearm?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: And why did you draw your firearm?

OFFICER ISHIDA: Because I was advised over the radio and by units when I arrived on the scene that this was a robbery involving a firearm. And there was an individual in the trunk of a vehicle whose hands I could not see. And he was not listening to commands being given to him.

SGT. TORRES: Did you happen to point your firearm at anyone?

OFFICER ISHIDA: Yes, I pointed it at the individual who was in the trunk of the vehicle.

SGT. TORRES: Do you recall what your field

of fire was?

OFFICER ISHIDA: The [NOISE] [UNINTELLIGIBLE] of the car.

SGT. TORRES: Okay. How about your back drop?

OFFICER ISHIDA: So from where I was positioned, I remember seeing I just had the street. I was aware 'cause there were like civilians to the left over here. They were not listening to commands to like go away, I mean, you know, get out of the field of fire. But again, from my vantage point, I was not concerned about them because they were not in my line of fire.

SGT. TORRES: Okay. So I want to go back to your field of fire. When you said "the car", can you clarify?

OFFICER ISHIDA: Oh, yeah, I'm sorry. The Honda that had contained the robbery suspect.

SGT. TORRES: Okay.

OFFICER ISHIDA: Was my line of fire.

SGT. TORRES: Can you, in your words, can you describe what you view as your field of fire?

OFFICER ISHIDA: Sure some of next to the guy. My--that is [UNINTELLIGIBLE] to the point so I had a clear view--clear, unobstructed view of the

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trunk of the Honda, or the car, with the suspect inside. Honestly, that's my field of fire. There's no one else in front of me. There's no other cars in front of me. It's just clear, open space to the robbery vehicle.

SGT. TORRES: And so that field of fire, so how wide is your field of fire?

OFFICER ISHIDA: It's a little narrow because I have that first vehicle that's doing the felony stop, the felony stop position so I can't go too much to the left and then I had-- [UNINTELLIGIBLE]?

SGT. TORRES: I said okay.

OFFICER ISHIDA: Oh, okay. Gotcha. And then I had other officers over here taking cover behind a parked SUV. So, I mean, I just had the straight line of fire. I didn't have too much leeway.

SGT. TORRES: Okay. So you kind of answered this but I'm gonna ask. Where were you positioned? And you know what? I might have to get a piece of paper and--to help identify.

ATTY. BRASS: [UNINTELLIGIBLE]

SGT. TORRES: Hm? Oh, okay.

ATTY. BRASS: [UNINTELLIGIBLE]

SGT. TORRES: So Officer Ishida, this is obviously not gonna be to scale. To the best of your recollection, if you could put your position relative to the Honda, relative to the car--the two car you described where the officers were taking cover, just so I have a better sense of what your perspective was.

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: And again, you know, this is not to scale.

OFFICER ISHIDA: Yeah. This is very approximate, obviously.

SGT. TORRES: Okay.

OFFICER ISHIDA: So this is the suspect vehicle.

SGT. TORRES: Okay.

OFFICER ISHIDA: I remember this vehicle being in felony stop position with the door open and like couple officers out with their guns out here. And then these are parked cars and I remember multiple officers backed up behind it. You know, for cover.

SGT. TORRES: Okay.

OFFICER ISHIDA: And then, again, the guy was here so I ran up to help him. So we had that

straight line.

SGT. TORRES: Okay.

SGT. CRUDO: So can you put an N by where--by who represents Nagai. Do you know who's next to him?

OFFICER ISHIDA: Me.

SGT. CRUDO: On his left--what? You're on his left?

OFFICER ISHIDA: Oh, over here?

SGT. CRUDO: Okay. Gotcha, gotcha.

OFFICER ISHIDA: Okay.

SGT. CRUDO: Is that you?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay, so--

OFFICER ISHIDA: And you want to know who's over here?

SGT. CRUDO: No, no, no, no.

OFFICER ISHIDA: Oh, okay. Just--

SGT. CRUDO: You drew that so--yourself and then do you know who the other officers are?

OFFICER ISHIDA: Well, I know this one would be Cody. Officer Cody.

SGT. CRUDO: Okay.

OFFICER ISHIDA: I--

SGT. CRUDO: Why don't you mark that?

OFFICER ISHIDA: Oh, I'm sorry. C.

SGT. CRUDO: C?

OFFICER ISHIDA: Yeah.

SGT. CRUDO: Okay. All right. Do you know who anybody else was in that general area? Over here?

OFFICER ISHIDA: It's a mix of--a mass of bodies.

SGT. CRUDO: And then you're S1 is the Honda?

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: Okay.

SGT. TORRES: So this would have been north?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. Could you mark that, please? And then just mark along the side, "600 block of Capp". So Officer Ishida, thank you for doing that. If you could--wouldn't mind just initialing it?

OFFICER ISHIDA: Oh, sure.

SGT. TORRES: Or signing it, whichever you prefer. So is it fair to say that Officer Nagai was flanking you?

OFFICER ISHIDA: More I would say I was flanking him, to be honest. He was in front of me.

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Slightly in front of me.

SGT. TORRES: Okay. All right. Were there--were there officers forward of your position?

OFFICER ISHIDA: The only one maybe would have been Officer--would have been Officer Tupper who was slightly in front but he was also off to my left. He would have been here.

SGT. CRUDO: So he's by the A-frame?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay.

OFFICER ISHIDA: So I was aware of his presence, like, here. In my peripheral. But again he wasn't in my line of fire but I mean he was in front of me, if that's what you're asking.

SGT. CRUDO: Okay. And here you were raising your left hand.

OFFICER ISHIDA: Yes.

SGT. CRUDO: Ahead of you to your left.

OFFICER ISHIDA: Yes, sorry.

SGT. CRUDO: No, that's okay. It's all right.

SGT. TORRES: So Tupper would have been to your left.

OFFICER ISHIDA: Yes.

SGT. CRUDO: Beyond--and beyond Nagai,

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right?

OFFICER ISHIDA: Yes.

SGT. TORRES: So your drawing's not to scale but you--it looks like you positioned yourself either flanking or maybe even ahead of Casey.

OFFICER ISHIDA: Oh. Cody.

SGT. TORRES: Cody.

OFFICER ISHIDA: No, yeah. If I--take the time to--either--sorry. A more accurate depiction would actually probably be maybe next to Cody.

SGT. TORRES: Okay. And Cody was on your right.

OFFICER ISHIDA: Correct.

SGT. TORRES: All right. Officer Ishida, were you behind cover? Or concealment?

OFFICER ISHIDA: No.

SGT. TORRES: Do you know the difference between cover and concealment?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Can you explain those to me?

OFFICER ISHIDA: Cover will stop incoming fire. Concealment just is a hiding spot from incoming fire.

SGT. TORRES: And what training did you receive concerning cover and concealment?

OFFICER ISHIDA: Training that was given to us during the basic Academy.

SGT. TORRES: Okay. And do you recall what the training covered? I mean, tell me about cover and concealment, all you know.

OFFICER ISHIDA: When you can't seek cover, know that cover will stop incoming fire. Concealment is just a hiding spot, if you will. It's better than nothing.

SGT. TORRES: Okay.

OFFICER ISHIDA: What we were taught.

SGT. TORRES: Okay. Do you think you were in a position of advantage where you were on this incident?

OFFICER ISHIDA: No. Yes and no. I was in a position of advantage as given by the diagram I provided, we--Nagai and myself had a very clear shot. So that was our advantage. It was very disadvantageous, though, because there was no cover because he could see where we were standing.

SGT. TORRES: Okay. Officer Ishida, did you fire your weapon?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. Can you tell me why you started firing?

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OFFICER ISHIDA: I heard the suspect yell, "Man, fuck you." And make a sudden explosive movement and I heard--or saw a muzzle flash and I heard two gunshots from the trunk. And I thought he was trying to kill me or my fellow officers so that's why I shot my weapon.

SGT. TORRES: Can you tell me what was going through your mind at that moment?

OFFICER ISHIDA: Yeah. I thought he was picking--I thought he was trying to kill us. And I--you know, I was afraid for my life so--

SGT. TORRES: Officer Ishida, did you use your sights to acquire a sight picture or were you point shooting?

OFFICER ISHIDA: No, I had my front sight.

SGT. TORRES: Were you shooting one-handed or two-handed?

OFFICER ISHIDA: One-handed.

SGT. CRUDO: One?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: And that would have been with your right hand?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Can you tell me why you shot one-handed?

OFFICER ISHIDA: Multiple reasons. Number one, I was behind--or flanking Officer Nagai because I went to go support him. So I elected to grab his shoulder with my left hand and extend my right hand out. And the reason I did that was I didn't want--not to hold Officer Nagai in place. I mean, if he wants to find a different spot, that's on him. It's just more that if we started shooting, this hand would telegraph his movement so he wanted to all of a sudden dump right, I would feel my hand start to go and then I would know to bring this back and not shoot at him in the back of the head. So I was just telegraphing his movements to him. The second reason, I was going to shoot--I shot one-handed, I should say, is that the patrol spot lights just weren't doing it for me. I mean, they're not bright enough. So I had my flashlight out and I lit up the trunk with my non-dominant hand as well.

SGT. TORRES: So were you--correct me if I'm wrong, but did you just say you were grabbing Officer Nagai?

OFFICER ISHIDA: Yes.

SGT. TORRES: So you were grabbing him and holding the flashlight at the same time.

OFFICER ISHIDA: Right. So I have a flashlight and I guess I have my hand on his shoulder. So it's like this. So I'm not holding him to keep him in place--

SGT. TORRES: Right.

OFFICER ISHIDA: But my hand is on his shoulder. My left hand is on his shoulder with the flashlight pointed at the trunk.

SGT. TORRES: Okay. Were you ever taught to shoot like that by the Department?

OFFICER ISHIDA: I was taught one-handed shooting, yes.

SGT. TORRES: Okay, but specifically to be so close in proximity to somebody. Have you ever practiced that or were you taught that in the Academy?

OFFICER ISHIDA: I do know--I do remember during the Officer Survival Field Tactics training in the Academy, if you're going to be up on someone like let them know you're there. So I figured this is much better than just standing behind and, you know, and Officer Nagai has no idea there's a guy with a gun standing behind him.

SGT. TORRES: Right.

OFFICER ISHIDA: So. They did tell us, you

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know, make your presence known to someone if you're going to, you know, bump up to them, if you will.

SGT. TORRES: Okay. You had stated you were holding your flashlight?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: What type of flashlight is that?

OFFICER ISHIDA: It's an [Icor].

SGT. TORRES: That's the brand?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. And does it have a [UNINTELLIGIBLE] switch?

OFFICER ISHIDA: What does that mean?

SGT. TORRES: So is the button just straight on and off?

OFFICER ISHIDA: Yeah. You click it. It stays on. You click it again. It turns off.

SGT. TORRES: Okay. And can you--utilizing the pen you have, can you show me how you were holding it?

OFFICER ISHIDA: I have the flashlight here if you--

SGT. TORRES: Sure. Well, anything that'll--

OFFICER ISHIDA: So I had him by the shoulder here and there was on--mine on. So.

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SGT. TORRES: Okay. And just so--can I see the mark? So if I want to reference it, I want to make sure to spell it right. Thank you.

OFFICER ISHIDA: Hm-hmm.

SGT. TORRES: Officer Ishida, do you know how many rounds you fired?

OFFICER ISHIDA: Thirteen.

SGT. TORRES: And how do you know that?

OFFICER ISHIDA: Because I walked back to the rear and I--went on duty with 12 in the magazine and one in the chamber.

SGT. TORRES: Okay. And why did you stop firing?

OFFICER ISHIDA: saw that the subject in the trunk, after we returned fire, he kind of--he fell back in the trunk and he had stopped shooting. I didn't know that he was dead or had been incapacitated but I do know that he had stopped shooting.

SGT. TORRES: Okay. And at what point did you know that?

OFFICER ISHIDA: That he stopped shooting?

SGT. TORRES: Yes.

OFFICER ISHIDA: Oh. He fell back into the trunk. The lid kind of started to close on him.

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And then there was no more muzzle flashes, no more gunshots coming from the trunk.

SGT. TORRES: But at what stage in your firing did you notice that?

OFFICER ISHIDA: When my side lock [UNINTELLIGIBLE].

SGT. TORRES: Okay.

OFFICER ISHIDA: Yeah. So instead, rather than electing to reload and then continue firing, you know, I saw the threat at that moment had ended.

SGT. TORRES: Okay. And what were you shooting at?

OFFICER ISHIDA: The suspect in the trunk that was shooting at me.

SGT. TORRES: Did you notify a supervisor of your discharge?

OFFICER ISHIDA: They were already on the scene but, yes, at some point I did tell them that I was involved.

SGT. TORRES: And who did you tell?

OFFICER ISHIDA: I believe it was Officer-- no, excuse me, I apologize. Sergeant Perez.

SGT. TORRES: Did you happen to recognize the suspect in the trunk?

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OFFICER ISHIDA: No.

SGT. TORRES: Officer Ishida, did you try to establish communication with the suspect?

OFFICER ISHIDA: Personally?

SGT. TORRES: Yes.

OFFICER ISHIDA: There was one point where they were discussing language barrier. I tried to use--I mean, no one was getting there yet that was speaking Spanish. So I, you know, so I just gave him one command in high school Spanish, like, "Hey, get out of the car." But then Officer Bananguez came on scene. He took over. So. That was the extent of my communication with him.

SGT. TORRES: And that's with the assumption that he's a Spanish speaker.

OFFICER ISHIDA: Yeah. That is correct.

SGT. TORRES: Did you try establishing communication in English?

OFFICER ISHIDA: Multiple options. Had already done that prior to my arrival--or as I arrived on scene so--

SGT. TORRES: Okay.

OFFICER ISHIDA: Yeah.

SGT. TORRES: And can you tell me in Spanish, I know--I think I understand. You're not a Spanish

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speaker--

OFFICER ISHIDA: Right.

SGT. TORRES: But can you tell me what you said to him?

OFFICER ISHIDA: Think I said, [SOUNDS LIKE: saler elcoche] like exit the car. Something like that. Yeah.

SGT. TORRES: Okay. Other than what you had said earlier, just prior to the shooting, did you hear the suspect say anything?

OFFICER ISHIDA: Yes. Just prior to him shooting, I heard, "Man, fuck you."

SGT. TORRES: Okay. That's what I just--

OFFICER ISHIDA: Oh, I apologize. I'm sorry.

SGT. TORRES: Yeah, and anything besides that did he say?

OFFICER ISHIDA: No. I didn't hear anything.

SGT. TORRES: So there's no communication from him prior to the shooting.

OFFICER ISHIDA: Correct.

SGT. TORRES: Prior to what you had said earlier.

OFFICER ISHIDA: Correct.

SGT. TORRES: And just to reiterate, what he had said, can you please say that again?

OFFICER ISHIDA: "Man, fuck you."

SGT. TORRES: And that was--shortly after being struck with the ERIW?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay.

SGT. CRUDO: Did he say it after or before?

OFFICER ISHIDA: After.

SGT. CRUDO: Okay.

SGT. TORRES: After. Officer Ishida, did you see the female in the vehicle, and if so when did you see her?

OFFICER ISHIDA: I saw her after shots had been fired.

SGT. TORRES: And how did you--how did she come to your attention?

OFFICER ISHIDA: So my recollection, shots fired. He's been incapacitated. And I see the dust has settled, if you will. And I see her come up from the back seat, two hands up. And that's, I was like, oh. A female in the car.

SGT. TORRES: As soon as you did realize there was somebody in the back, did you happen to notify anybody about her?

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OFFICER ISHIDA: [Me, first thing], because everyone saw her. Oh, I guess I can't speak for everyone. But there were multiple people on scene and they were--I know people were aware of her presence.

SGT. TORRES: And just to solidify that, what makes you think that?

OFFICER ISHIDA: Because when we went to go remove him from the trunk, other people went to go detain her. So clearly they were aware that she was a part of the picture.

SGT. TORRES: Okay. Officer Ishida, did you receive direction or instructions from anyone, whether prior or after the shooting?

OFFICER ISHIDA: Any instruction?

SGT. TORRES: Yes.

OFFICER ISHIDA: Yes.

SGT. TORRES: Okay. Can you tell me what those were?

OFFICER ISHIDA: That--don't move your body cameras. Don't talk to anyone about this case.

SGT. TORRES: So that's after the shooting.

OFFICER ISHIDA: Yeah.

SGT. TORRES: Okay. So how about prior?

OFFICER ISHIDA: So prior to shots being

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fired, did I receive any instruction?

SGT. TORRES: Yes.

OFFICER ISHIDA: No.

SGT. TORRES: Did you hear any instructions being given?

OFFICER ISHIDA: I heard commands being given to the suspect but in terms of commands being given to myself? No.

SGT. TORRES: Okay. How about commands given to other officers?

OFFICER ISHIDA: No.

SGT. TORRES: As you had mentioned earlier that there was this--when I asked you, did you notify supervisor, your discharge, and I asked you, if so, when? And you eluded to that there was a supervisor on scene. Do you know when they were on scene?

OFFICER ISHIDA: No.

SGT. TORRES: No. So just to clarify, was--do you know if there was a sergeant on scene prior to the shooting?

OFFICER ISHIDA: No.

SGT. TORRES: Officer Ishida, did you discuss a plan of action with anybody?

OFFICER ISHIDA: This is before or after

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the shooting?

SGT. TORRES: At any time.

OFFICER ISHIDA: After the shooting, yeah, we did discuss how we were gonna approach the car and remove the subject.

SGT. TORRES: Okay. And prior to the shooting?

OFFICER ISHIDA: No.

SGT. TORRES: Other than the directions given to the suspect, did you hear anybody discuss a plan of action prior to the shooting?

OFFICER ISHIDA: Nothing formal. I mean, you know, like someone was like, "Hey, does anyone here speak Spanish?" So I guess one could say that was a plan of action, let's get a Spanish speaker out.

SGT. TORRES: Okay.

OFFICER ISHIDA: And then I heard Officer Santana start to give his, I guess you would call it the ERIW, you know, warning. The red light. So again, kind of involved a plan of action that he was going to use the Less Lethal option.

SGT. TORRES: Okay. Anything else?

OFFICER ISHIDA: No.

SGT. TORRES: Okay. Do you know who was in

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charge of the incident?

OFFICER ISHIDA: I'm not entirely sure what--you mean like who took--controlled the investigation or--

SGT. TORRES: No. You arrive on scene. I know the primary vehicle or--you arrive on scene. You said instructions were being given. You weren't--you made a statement in Spanish to see if he would respond. Outside of that was there anybody that you know of who was in charge of the incident--

OFFICER ISHIDA: Oh.

SGT. TORRES: Giving directions.

OFFICER ISHIDA: I see.

SGT. TORRES: Instructions [UNINTELLIGIBLE].

OFFICER ISHIDA: To my--from what my impression of the incident, if you will, what I was going to say, it was Officer Castanelli's show. Or his scene. 'Cause he [ombud] this.

SGT. TORRES: Okay.

OFFICER ISHIDA: So it was his--it was his scene in my mind. You know, like we don't need ten cooks in the kitchen, right? It's his--he [ombud] it. Like if this is his show, let him run it. And then I would say like--I don't--it kind of became

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Officer Bananguez's show, if you will, when it became--when we decided to go with t he Spanish route because he was the one giving commands so no one was talking over. He was kind of trying to control the flow. So I guess those two, in my opinion, were in charge of the incident then.

SGT. TORRES: Okay. And I danced around this earlier but can you tell me when you saw a supervisor on scene?

OFFICER ISHIDA: After shots had been fired.

SGT. TORRES: And what supervisor was that?

OFFICER ISHIDA: I became aware that Sergeant Perez and Sergeant Caldera were there.

SGT. TORRES: And again, this is from your recollection. You only noticed them after the shots had been fired?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Do you know what warnings were given to the suspect and, if you recall, by whom?

OFFICER ISHIDA: From--again, from my limited Spanish, when Officer Bananguez was speaking to him I do know she said, like, "Show us your left hand, please." I think she said "please". "Or--or we will shoot."

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SGT. TORRES: And obviously that was in Spanish?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Did you hear any that were given in English?

OFFICER ISHIDA: There were--yeah.

SGT. TORRES: [UNINTELLIGIBLE]

OFFICER ISHIDA: Stop reaching, you know, let me see your hand. Get out of the car.

SGT. TORRES: From what you recall in your perspective were the warnings that--given in English, where they clear?

OFFICER ISHIDA: Yes.

SGT. TORRES: Were they loud?

OFFICER ISHIDA: Yes.

SGT. TORRES: And from your--again, limited Spanish, from what you heard, was it clear?

OFFICER ISHIDA: Yes.

SGT. TORRES: Was it loud?

OFFICER ISHIDA: Yes.

SGT. TORRES: Officer Ishida, do you think any other forms of force options were available to you and can you discuss our force options, whether they would have been reasonable or not to utilize, if you could go through our force continuum and

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describe to me if they were reasonable? And if not, can you explain?

OFFICER ISHIDA: Starting with physical control, or I guess verbal. We did try verbal. Obviously all the commands didn't work. Physical control holds, not viable in my opinion because there's a possible firearm involved. It's not-- that's just dumb, [UNINTELLIGIBLE] to walk up and try and grab a guy if there's a gun that he's holding. OC Spray, in my opinion, again not viable. In order to close [UNINTELLIGIBLE] to play, or to spray effectively, it puts you right in his field of fire. Again, there's a firearm involved. ERIW we did attempt to use that because it has range, it can deploy from cover. Obviously it didn't work out. I think that's--

SGT. TORRES: Okay, yeah. Officer Ishida, from your perspective how long did the incident last? From what you recall that night?

OFFICER ISHIDA: From coming 97 till--till clearing Capp?

SGT. TORRES: From you coming on scene--

OFFICER ISHIDA: Sorry. Yes.

SGT. TORRES: Until you made the approach to extract the individual. So basically when you--

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OFFICER ISHIDA: Oh, I see.

SGT. TORRES: Arrived on scene and then until shots were fired.

OFFICER ISHIDA: Five--two to five minutes.

SGT. TORRES: Did it--so that's the timeframe you're saying it lasted?

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Did that seem quick? Did it seem fast? Did it seem long? Did it seem--

OFFICER ISHIDA: No, if anything I would say it seemed long. It seems--I remember thinking at a time like this is--it almost feels like we're headed towards like a critical incident. You know, like--can I just block it off and call it an attack and let them sort it out kind of thing because he--impasse, get out of the car, I don't want to get out of the car. You know, like--

SGT. TORRES: Right.

OFFICER ISHIDA: And then he just--he made the decision to, you know, all of a sudden he decided to escalate things and then it was over. So I guess to answer your question, it seemed like it was going the long route, in my mind.

SGT. TORRES: Okay. Officer Ishida, did you see other officers not behind cover or concealment?

OFFICER ISHIDA: Just--Officer Nagai.

SGT. TORRES: Okay. After shots were fired, what did you do?

OFFICER ISHIDA: Well, I was empty. So I reloaded my weapon. And then I realized we were not in cover, concealment, and I told Officer Nagai, "Hey, this is all bad. Like let's go to the right, get some cover."

SGT. TORRES: Okay. Officer Ishida, when did you turn off your body camera?

OFFICER ISHIDA: It was back at Mission Station. I didn't for quite some time.

SGT. TORRES: And why did you turn it off?

OFFICER ISHIDA: I was told that it was okay to deactivate them.

SGT. TORRES: Did you give a public safety statement?

OFFICER ISHIDA: Yeah, I did, sir.

SGT. TORRES: And who did you give that public safety statement to?

OFFICER ISHIDA: Sergeant [Shivers].

SGT. TORRES: Was that on scene or where did that happen?

OFFICER ISHIDA: This would have been at Mission Station.

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SGT. TORRES: Do you know what a Public Safety Statement is?

OFFICER ISHIDA: It's just an essential statement how many rounds fired, what direction.

SGT. TORRES: Anything else?

OFFICER ISHIDA: I can't remember.

SGT. TORRES: Okay. Officer Ishida, were you separated and monitored?

OFFICER ISHIDA: Yes.

SGT. TORRES: Yes?

OFFICER ISHIDA: Yeah.

SGT. TORRES: Who monitored you?

OFFICER ISHIDA: Officer Rose. That the officer--whoever sat with me?

SGT. TORRES: Yeah.

OFFICER ISHIDA: Yeah, Officer Rose.

SGT. TORRES: Rose. Okay. R-O-S-E.

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. Did you discuss the incident with anyone prior to meeting with your counsel?

OFFICER ISHIDA: No.

SGT. TORRES: Have you been involved in any other critical incident prior to this incident?

OFFICER ISHIDA: [redacted].

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SGT. TORRES: Okay.

OFFICER ISHIDA: As a witness.

SGT. TORRES: Any other incidents directly involved?

OFFICER ISHIDA: No.

SGT. TORRES: Okay. And just to clarify, you didn't suffer any injury or illness from this incident?

OFFICER ISHIDA: No, sir.

SGT. TORRES: Okay. Sergeant Crudo.

SGT. CRUDO: Couple things. Just kind of I'll got through this in a--where for Sergeant Torres going through things. You were the passenger in your car, right?

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: And 1111--

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: Just going--[UNINTELLIGIBLE]

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: Okay. Bohannon at one point referred to stopping the vehicle, plugging [UNINTELLIGIBLE], so he's driving.

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: Where were you sitting?

OFFICER ISHIDA: In the back seat.

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SGT. CRUDO: Back seat?

OFFICER ISHIDA: Yes.

SGT. CRUDO: And so Winecoup--Officer Winecoup was in the front passenger seat?

OFFICER ISHIDA: That is correct.

SGT. CRUDO: Sitting behind Winecoup or you sitting behind Bohannon?

OFFICER ISHIDA: Bohannon.

SGT. CRUDO: Okay. Just [UNINTELLIGIBLE]. All right. Couple of things. We're talking about sort of your pre-shift ritual. Now you said that you know 6, 7 hour sleep is a good day. You said you normally eat a meal before your shift. Do you recall specifically whether or not--you know, the amount of sleep that you got the night before the incident or preceding your shift?

OFFICER ISHIDA: No.

SGT. CRUDO: So it was not--did not register with you as abnormal. But you don't know for sure whether you got 6 or 7 or 8 or 9--

OFFICER ISHIDA: That is correct.

SGT. CRUDO: And then you said normal meal. So do you recall specifically what you might have eaten before your shift or before this incident?

OFFICER ISHIDA: No.

SGT. CRUDO: Okay. And what would a normal meal entail? Like a sandwich? A banana? A coffee?

OFFICER ISHIDA: It's just like a main protein and then vegetables. [UNINTELLIGIBLE]

SGT. CRUDO: Talking about equipment you're carrying. Firearm. We talked about extra magazines. Two magazines. For the record, how many total magazines did you have on your person?

OFFICER ISHIDA: Three. Two in my magazine pouch and one in the firearm.

SGT. CRUDO: So when you're talking about two magazines, you're talking about two spare magazines and you had one magazine, you're talking about one and 13--or 12 and 1 so 12--12 in the magazine, one in the chamber. That was a loaded magazine?

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: All right?

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: And then you had two spares in addition to that.

OFFICER ISHIDA: That is correct.

SGT. CRUDO: Okay. Okay. Field of fire. Talking about field of fire. Had a few questions

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about that. You said your field of fire, you're talking about the car. And I know at some point you talked about sort of this--the narrow sort of view. But you had an overview of--you said your back drop was the street. So you've defined this field of fire between officers to your right and officers to your left. Kind of if--in my mind, when I hear, you know, your perspective and your field of fire would be if the front of the car, the engine, is 12 o'clock and the rear of the car, the trunk, maybe where the trunk lock would be or whatever--

OFFICER ISHIDA: Correct.

SGT. CRUDO: Is six o'clock. You're about six o'clock from the car?

OFFICER ISHIDA: Yes.

SGT. CRUDO: And how far away are you from the car?

OFFICER ISHIDA: Fifteen--about thirty feet.

SGT. CRUDO: Thirty feet?

OFFICER ISHIDA: Yeah.

SGT. CRUDO: If you were to put it in car lengths.

OFFICER ISHIDA: Oh, I mean.

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SGT. CRUDO: Oh, well, I don't know if it's easier--

OFFICER ISHIDA: It's much easier, actually, yeah. It's like one and a half.

SGT. CRUDO: One and a half Crowns?

OFFICER ISHIDA: Yeah.

SGT. CRUDO: Okay. And that's probably--you feel more comfortable with that as a measurement--

OFFICER ISHIDA: Yeah.

SGT. CRUDO: Okay.

OFFICER ISHIDA: So I understand what--I know car lengths is [UNINTELLIGIBLE].

SGT. CRUDO: So you're kind of at the six o'clock position, a car length and a half, from the suspect vehicle. Your field of fire and you said you're pointing your firearm at the suspect in the vehicle and you said your field of fire was the car. What are you aiming at?

OFFICER ISHIDA: The suspect.

SGT. CRUDO: Okay. What is beyond the suspect that you can see?

OFFICER ISHIDA: Like if we're going to continue the 12 o'clock--

SGT. CRUDO: Draw that line from your fire arm.

OFFICER ISHIDA: Is that I'll just--all southbound Capp.

SGT. CRUDO: Okay.

OFFICER ISHIDA: It's clear.

SGT. CRUDO: It's clear. So when you said "the street", you were talking about--

OFFICER ISHIDA: That. That's for lack of better term, the street is the road itself. The roadway itself is clear.

SGT. CRUDO: Okay.

OFFICER ISHIDA: Yes.

SGT. CRUDO: Nothing within that corridor that you've defined from 6 o'clock to 12 o'clock and beyond.

OFFICER ISHIDA: Correct.

SGT. CRUDO: Other than all--your focus at that point, for the record, though, by the way, is what?

OFFICER ISHIDA: Oh, the subject inside the trunk.

SGT. CRUDO: Okay. And do you recall specifically where you were looking? Do you remember? Were you looking broadly at the suspect or were you looking--

OFFICER ISHIDA: No, I was focused in on

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him because he was the one with the possible firearm.

SGT. CRUDO: Anywhere in particular on him? His face? Were you looking at--

OFFICER ISHIDA: His hand. The right hand I couldn't see.

SGT. CRUDO: Okay. Would you say that that was your primary area of focus?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Why would that be?

OFFICER ISHIDA: That's where the threat-- or I believed the threat to be.

SGT. CRUDO: Okay. I think Sergeant Torres may have missed this question or I missed you saying it so I didn't hear the answer while I was taking notes. I apologize if this has been asked but how do you know your body-worn camera is the one assigned to you?

OFFICER ISHIDA: It has my name on it.

SGT. CRUDO: Okay. So it's got some kind of label on it?

OFFICER ISHIDA: Yes.

SGT. CRUDO: You check that before--when you're gearing things up?

OFFICER ISHIDA: Yes.

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SGT. CRUDO: If he asked it, I apologize. Okay? You said--talking about when you started to fire. You said you heard him saying, "Man, fuck you." One of the things you said, you said you heard two shots. You saw muzzle flash. One of the things you said, you saw explosive movement. Can you tell me what that entails? What is "explosive movement"?

OFFICER ISHIDA: Going from--my personal definition about this is--

SGT. CRUDO: Well, let's talk about specifically in context of this situation.

OFFICER ISHIDA: He moved from a static position. He was just on his side with his left hand concealed and then--and explosively or very rapidly he came up and brought his left hand up and simultaneous to that I saw a muzzle flash and heard two gun shots.

SGT. CRUDO: Okay. And what side was he lying on at the time? His body.

OFFICER ISHIDA: His right side.

SGT. CRUDO: Okay. So the left hand--because as you're doing it, you're popping your left hand up.

OFFICER ISHIDA: Sorry, yeah.

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SGT. CRUDO: Rapidly.

OFFICER ISHIDA: Yes.

SGT. CRUDO: But was--at the top then, from what you're describing?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay. Could you see it up to that point before the explosive movement?

OFFICER ISHIDA: His left hand, no.

SGT. CRUDO: Okay. And that was, as you said earlier, that was kind of a kind of a focus for you?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay. You said, when we were talking about you came up. You had your hand, flashlight, hand on the shoulder of Nagai. You said to letting Nagai know you were there. You said that you did that to make your presence known.

OFFICER ISHIDA: Yes.

SGT. CRUDO: Did you try any other way to make your presence known? Did you say anything to him?

OFFICER ISHIDA: Yeah, I mean, you know, I said, "Hey, I'm on your six."

SGT. CRUDO: Okay. You said, "I'm on your six"?

OFFICER ISHIDA: Something to that effect. I don't know what exactly that I said, yeah.

SGT. CRUDO: Okay.

OFFICER ISHIDA: I verbally told him.

SGT. CRUDO: Did you get any kind of feedback--

OFFICER ISHIDA: Yeah.

SGT. CRUDO: Okay.

OFFICER ISHIDA: He kind of looked back and, you know, and acknowledged my presence.

SGT. CRUDO: Okay. So you said something to him as well.

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay. You answered this. I just want to make sure, kind of correct? You said you knew that you fired 13 rounds because you had-- you talked about you loaded with 12 and 1, one in your chamber, 12 in your magazine. Fired 13 rounds. Your slide was locked back. And there was another period that it sounds like you made your reassessment.

OFFICER ISHIDA: Yeah.

SGT. CRUDO: Did you reload kind of in that moment or did you reload after you realized it was Code 4? You talked about reloading--

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OFFICER ISHIDA: Yeah.

SGT. CRUDO: Kind of like I'm locked back. Can you--

OFFICER ISHIDA: Yeah, I reload first just to make the weapon, you know, get the load back in service, if you will.

SGT. CRUDO: Right.

OFFICER ISHIDA: To make it available. That was my--one of the priorities, too. And I'm sorry. I apologize.

SGT. CRUDO: No, no, no, no. I'm trying to--

OFFICER ISHIDA: If your question is did I reload just to reload or did I reload to re-engage--

SGT. CRUDO: No, my question is when did you reload?

OFFICER ISHIDA: Oh, I understand. Immediately after. So shots fired. Sight locks back. He's in the trunk. So I would that he's not a threat, just--and my gun's empty. This would be the time to reload.

SGT. CRUDO: So are you kind of simultaneously reassessing and reloading?

OFFICER ISHIDA: Yes. Yes. Yeah, I'm

trying to--I mean, because I was gonna reload regardless because my gun was empty. So I guess I took the opportunity to be--the threat is over.

SGT. CRUDO: Okay.

OFFICER ISHIDA: Yeah.

SGT. CRUDO: And I--granted, for the record, we're talking about something that happened in seconds, nanoseconds, at this point. We're trying to kind of say that, you know. I'm just trying to get a sense of kind of how to float and what your--what was kind of going through your mind at the moment. One of the things that you talked about and I want to make sure I hit this question with you, is you found--after he got hit, the suspect got hit with the bean bags, or the bean bag round from Officer Santana--you heard him say, "Man, fuck you."

OFFICER ISHIDA: This would have been like, yes. Sorry.

SGT. CRUDO: Is that correct?

OFFICER ISHIDA: He said it just like a couple seconds, maybe 10, 20 seconds after getting hit.

SGT. CRUDO: So you say kind of like he had a pain--

OFFICER ISHIDA: Yeah.

SGT. CRUDO: He had a pained look on his face.

OFFICER ISHIDA: Yeah.

SGT. CRUDO: You said, I think you said in the wrist?

OFFICER ISHIDA: No.

SGT. CRUDO: Just where he got hit.

OFFICER ISHIDA: So--from my--

SGT. CRUDO: I'm sorry. But he had a look and then--and then you heard him say, "Man"--and so now a few seconds later so--he digested what happened and he was like, "Man, fuck you."

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay. And would you say, you feel confident that's specifically what you heard?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay, okay. So it's not like something like it's--that. Did that have any implication to you? Did that mean anything to you?

OFFICER ISHIDA: I mean, yeah. I would say, "Here we go." I mean, like, not like--you know, like I was looking forward--but I knew that he had made a decision. Like that signaled to me he had made a decision. And so here we go. We're

going to see what this decision is.

SGT. CRUDO: Okay, so did you have any anticipation on what his decision was? I mean, in other words, it sounds like you're saying that you felt like this was going--this was sort of transitional in this thing. Is this a transitional moment in the encounter?

OFFICER ISHIDA: You mean, like I'm sorry. I just don't understand the question.

SGT. CRUDO: So did that--you're saying did that--I asked you what kind of meaning that had to you.

OFFICER ISHIDA: Right.

SGT. CRUDO: And you're saying that--you're saying that it's like, okay, here we go.

OFFICER ISHIDA: Right.

SGT. CRUDO: So are you saying that you think that this--there's something that's going to change in this--

OFFICER ISHIDA: Oh, yes. Yes.

SGT. CRUDO: So it's a transition to something.

OFFICER ISHIDA: Correct.

SGT. CRUDO: Did you have any anticipation or expectation what that transition to might have

been?

OFFICER ISHIDA: I mean, I had a strong suspicion he was going to come out firing 'cause again there was a firearm involved. He refused to show us that left hand. Absolutely refused to show it to us. And then the "Man, fuck you" is not exactly something you say before you surrender. You know.

SGT. CRUDO: Okay. Did you hear before shots were fired, did you hear--when you said you didn't see anybody else in the car, specifically we were talking about the female. Did you hear anything that might have led you to believe there was somebody else in the car?

OFFICER ISHIDA: I remember I hear the driver who's detained in the car. He kept--I remember he screamed something, like, "My girlfriend, my girlfriend." I mean, he's not saying where. I just hear "my girlfriend, my girlfriend" and I was--you know, I'm confused now. There's this guy in the trunk. I don't know what he's on about so--

SGT. CRUDO: So you had no context for that?

OFFICER ISHIDA: Correct.

SGT. CRUDO: Okay. So you had no awareness

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there was any--like a third person related to that vehicle until you saw her pop up with the hands as you described.

OFFICER ISHIDA: Correct.

SGT. CRUDO: Okay. And were you able to see her? Was she a silhouette or did you have a pretty good view for when she finally did pop up?

OFFICER ISHIDA: I mean--there was more than a dark shadowy figure, if that's what you--I mean, I couldn't tell you exactly what she was wearing or what she looked like now.

SGT. CRUDO: So before that point, is it possible that she was there like in plain view the whole time or do you think she might have been concealing herself? DO you have any--

OFFICER ISHIDA: Oh, without a doubt, she was concealing herself.

SGT. CRUDO: Okay.

OFFICER ISHIDA: In my mind.

SGT. CRUDO: And then you said--you weren't aware whether or not a supervisor were on scene until after the shooting. I'm just curious was--did you have any contact with a supervisor before moving to clear out the vehicle. The shots were fired--

OFFICER ISHIDA: Sure.

SGT. CRUDO: So you guys got a--

OFFICER ISHIDA: Yes.

SGT. CRUDO: Shield, then moved forward--

OFFICER ISHIDA: Yes.

SGT. CRUDO: Toward the vehicle. Was a supervisor there for that?

OFFICER ISHIDA: Yes.

SGT. CRUDO: That point to kind of--

OFFICER ISHIDA: Yes.

SGT. CRUDO: Develop a game plan? Okay. So talking a couple of times in different places about--in this interview about sort of where your positions of some of your fellow officers and then we talked about sort of some force options and you went through them and, you know, like you tried verbal. Verbal didn't work. [UNINTELLIGIBLE] weren't reasonable because of the firearm. And you don't expose yourself. Pepper spray, you would have to close distance because of the firearm. That was not reasonable. ERIW was the impact weapon. And you talked about that being of range. Would a baton have been useful?

OFFICER ISHIDA: No.

SGT. CRUDO: Why not?

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OFFICER ISHIDA: Again, you have to close the distance.

SGT. CRUDO: Okay. And then that--would that have exposed you to danger?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay. So you have an awareness that there's a danger of range from the firearm, correct?

OFFICER ISHIDA: Yes.

SGT. CRUDO: Okay. Any concerns or thoughts or reasoning--was there any--let me put it this way. Did you have a reason then for being in that exposed position at the six o'clock?

OFFICER ISHIDA: No, no. In hindsight, it is incredibly stupid and I would have sought a position of cover. Honestly, my gut reaction, we showed up. I see an officer out--standing, he's got--you know, a good line of fire. It was a good line of fire. That's--I think that's what drove me to it as well. Like there's no options in front. It's a good spot. And then there's another officer here, too. Okay, so they want me to go support him, too.

SGT. TORRES: There's a couple other things I wanted to cover, Officer Ishida. You had stated

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that you had just cleared, or you broke from a 585 to go to this run. And I believe that you said that you turned off your BWC because it's faster.

OFFICER ISHIDA: Hm-hmm.

SGT. TORRES: Okay. But you had a minute until you arrived on scene, correct?

OFFICER ISHIDA: Yes.

SGT. TORRES: Okay. Have you ever been trained to shut the camera off that way?

OFFICER ISHIDA: No.

SGT. TORRES: Okay. Are you aware that it doesn't--shutting that camera off in that manner diminishes or takes away any buffering, depending on when you turn it back on?

OFFICER ISHIDA: Yeah.

SGT. TORRES: Okay. Okay. While you were on-scene, Officer Ishida, did you see any officers fall down?

OFFICER ISHIDA: No.

SGT. TORRES: No. Okay. So I want to go over this video again and I want to look at it, not because it--not because of the placement of your drawings. But because I just want to--I want to drive the point home of--and you kind of touched on it, that, you know, you--you were exposed--had you

to do it over again you would have sought cover?

OFFICER ISHIDA: Yes.

SGT. TORRES: Is that correct? Okay. And so I just want to go over this and--so I'm going to turn on the video and I want you to--the reason I'm explaining this is because the officer behind this door, he falls down.

OFFICER ISHIDA: Okay.

SGT. TORRES: Okay. And luckily he falls straight back.

OFFICER ISHIDA: Hm-hmm.

SGT. TORRES: And not to the side.

OFFICER ISHIDA: Right.

SGT. TORRES: And then towards the end I want you to see this officer who's behind cover--

OFFICER ISHIDA: Hm-hmm.

SGT. TORRES: Slightly creeps out and creeps out.

OFFICER ISHIDA: Right.

SGT. TORRES: And so I just want to drive this point home with you, and I did it with Officer Nagai, that it--this could have been very, very--it's fraught with peril, more so than it had to be.

OFFICER ISHIDA: Yes, sir.

SGT. CRUDO: Okay? Where you starting this?

6:41.44.45.44. And this is whose camera?

SGT. TORRES: Officer Ishida's. Yeah.

SGT. CRUDO: Did you--

SGT. TORRES: I wanted to kind of narrow it, yeah, but did you see what I was referring to?

OFFICER ISHIDA: I didn't see Officer--I assume it's Tupper just given the position of the officer you--but I didn't see that officer fall. I don't know if he tripped on the [UNINTELLIGIBLE] leg sticking out because I know she's inside the car. I'm curious if her leg is sticking out because I can't--for the life of me, I don't understand why he goes down. But that is a narrow--

OFFICER ISHIDA: Yes.

SGT. TORRES: Field of fire. And that's--that's what concerns me and I just want to--and so this gentleman, Casey keeps on creeping out and then the further you go back--

OFFICER ISHIDA: Hm-hmm.

SGT. TORRES: The more narrow your field of fire is. And the reason, again, I bring this up is for future reference--

OFFICER ISHIDA: Absolutely.

SGT. TORRES: You know, anybody forward--you

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know, the officer should be abreast with you but they shouldn't be forward of you if you're deploying a weapon. That makes sense.

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Okay. So I commend you for recognizing after the fact and, you know, you address that issue. It would then been beneficial if that happened ahead of time but, you know--

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: We can always learn. So I just wanted to point that out to you.

OFFICER ISHIDA: Yes, sir.

SGT. TORRES: Officer Ishida, do you suffer any physical--scratch that. I already asked you that. Officer Ishida, has this incident impacted you in other ways and I know it's months after the fact but with regard to the loss of sleep, appetite, any issues with any of that?

OFFICER ISHIDA: No.

SGT. TORRES: Okay. I just want to clarify that, you know, the Department has Behavioral Science Unit, the Employee Assistance program, and the Sergeant who runs that is phenomenal and if anything ever arises from that, I would hope that you would reach out to Sergeant Art Howard about

that 'cause it's something people should do more often. Okay. Mr. Brass, you have anything?

ATTY. BRASS: Just briefly, could you estimate how much time went by between when you first took your position behind Officer Nagai and when you started firing?

OFFICER ISHIDA: Okay. Maybe a minute.

ATTY. BRASS: During that minute, were there times when the suspect's hand was out of view, that tensions rose among the officers?

OFFICER ISHIDA: Several times.

ATTY. BRASS: Okay. And during those times what happened? Would you hear--

OFFICER ISHIDA: Yeah, everyone yelled, "Let me see your hand, stop reaching," you know?

ATTY. BRASS: But yet no one fired then.

OFFICER ISHIDA: Yeah.

ATTY. BRASS: Okay. I mean, what was the difference between those moments and when you fired?

OFFICER ISHIDA: Well, the subject had fired first. I mean, he fired at us.

ATTY. BRASS: Okay.

OFFICER ISHIDA: So.

ATTY. BRASS: Did you have a sense when you

were not behind cover or concealment? You had said that this was Officer Castanelli's show. Do you have a sense of if the suspect was focusing on you, your area, Castanelli's area, any other particular area?

OFFICER ISHIDA: No.

ATTY. BRASS: Okay.

OFFICER ISHIDA: Yeah.

ATTY. BRASS: Okay. I have nothing else.

SGT. TORRES: All right. That concludes the interview. The time is currently 17:44 and that's it.

END OF DOCUMENT

SFDPA - 0097-18 - 000502

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

www.sfgov.org/dpa
t: 415-241-7711
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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Thursday, March 28, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER NICHOLAS NAGAI #2017	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/12/2019 at 5:30 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

San Francisco Department of Police Accountability

Paul Henderson
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Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

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Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18
Incident Report or Citation No.		
[redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Nicholas Nagai #2017	3D	[redacted]	M	4

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SGT. PILAR TORRES: Okay. This interview is regarding OIS Case [redacted]. This interview is taking place at the Office of the Internal Affairs Division. Today's date is June 14th, 2018. The time is currently 16:10 hours. Conducting this interview is Sergeant Pilar Torres, star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is-- please spell and state your name and star number?

OFFICER NICHOLAS NAGAI: Nicholas Nagai. N-I-C-H-O-L-A-S, N-A-G-A-I. Star 2017.

SGT. TORRES: Officer Nagai is the named member in this matter. Representing Officer Nagai is?

ATTY. ANTHONY BRASS: Tony Brass of 3223 Webster Street, San Francisco, 94123.

SGT. TORRES: Also present from the Internal Affairs Division is?

SGT. JOHN CRUDO: Sergeant John Crudo, C-R-U-D-O. Star number 1694.

SGT. TORRES: No one else is present. Officer Nagai, have you read the SFPD Notice regarding this administrative investigation?

OFFICER NAGAI: Yes.

SGT. TORRES: Have you read and do you understand Department General Order 2.08 and Government Code 3303E?

OFFICER NAGAI: Yes.

SGT. TORRES: Have you read and do you understand Department General Order 2.01, Rule 21, and Rule 49?

OFFICER NAGAI: I don't believe so.

SGT. TORRES: We have them here as reference for you. [UNINTELLIGIBLE] Rule 21?

OFFICER NAGAI: Okay, yeah, I know that one.

SGT. TORRES: Okay. And that's regarding cooperation with investigations. And then 49.

SGT. CRUDO: Confidential [UNINTELLIGIBLE].

SGT. TORRES: Confidential. Okay.

SGT. CRUDO: And this is obviously considered for a number of reasons a confidential investigation.

OFFICER NAGAI: Okay.

SGT. TORRES: Okay. And if at any time you have any questions, you know, you can stop and talk to your attorney. We have this as reference material for you. Okay? So again, have you read and do you understand Department General Order 2.01,

Rule 21, and Rule 29?

OFFICER NAGAI: Yes.

SGT. TORRES: Okay. And just to reiterate with Sergeant Crudo has just said, this investigation is confidential and you are ordered not to speak about this interview to anyone. Do you understand?

OFFICER NAGAI: Yes.

SGT. TORRES: Do you understand this interview is being recorded?

OFFICER NAGAI: Yes.

SGT. TORRES: Officer Nagai, because there may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand these rights that I have explained to you?

OFFICER NAGAI: Yes.

SGT. TORRES: With these rights in mind, would you like to speak to me now?

OFFICER NAGAI: No.

SGT. TORRES: Officer Nagai, while you have the right to remain silent criminally, it is a

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condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Davison of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you, on behalf of the Chief of Police, to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of you employment. Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case. Your statement and any information and any information you provide will be held confidential, consistent with the California Constitution, Article 1, Section 1, and the San Francisco City Charter and Administrative Code, and will not be divulged except as required by law. Officer Nagai, do you understand this order?

OFFICER NAGAI: Yes.

SGT. TORRES: Officer Nagai, will you answer my questions as ordered at this time?

OFFICER NAGAI: Yes.

SGT. TORRES: Okay. Officer Nagai, as you know I monitored your voluntary interview with Homicide investigators. I believe that was conducted on March 9th. I have given you a recording of this interview to review. Have you had a opportunity to do so?

OFFICER NAGAI: Yes.

SGT. TORRES: Okay. It is not uncommon after a life-threatening encounter as the body works through the natural releases of adrenaline and other physiological reactions that additional things are remembered or memories and perceptions become clearer. Having reviewed your interview and transcript, is there anything that was not covered in that interview that you would like to add to the record at this time, or anything that you'd like to clarify?

OFFICER NAGAI: No.

SGT. TORRES: Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER NAGAI: Yes.

SGT. TORRES: Before we get into the heart of the interview, I'd like to briefly affirm some of

the information as I understand it, based on your voluntary interview with Homicide. Your name is Officer Nicholas Nagai, star, 2017? Your date of birth is [redacted].

OFFICER NAGAI: Yes.

SGT. TORRES: You entered the Department approximately [redacted]?

OFFICER NAGAI: Yes.

SGT. TORRES: At the time of this incident, you had been at Mission Station for approximately about a year?

OFFICER NAGAI: Yes.

SGT. TORRES: On the night of this incident, you were working swings? 15 to 01?

OFFICER NAGAI: Correct.

SGT. TORRES: The night of the incident you were wearing your Class B uniform?

OFFICER NAGAI: Yes.

SGT. TORRES: The night of the incident, your partner was Brian Santana?

OFFICER NAGAI: Yes.

SGT. TORRES: Star 2097?

OFFICER NAGAI: Yeah.

SGT. TORRES: And you were working as the 3 David 41 David?

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OFFICER NAGAI: Yes.

SGT. TORRES: And that's a foot beat.

OFFICER NAGAI: Correct.

SGT. TORRES: Okay. The night of the incident you were carrying your Department-issued Sig 226?

OFFICER NAGAI: Yes.

SGT. TORRES: Did you deploy with an ERIW?

OFFICER NAGAI: No.

SGT. TORRES: Did you deploy with a rifle?

OFFICER NAGAI: No.

SGT. TORRES: Although you were the foot beat you and Officer Santana had wagon 599?

OFFICER NAGAI: Yes.

SGT. TORRES: And you were the passenger.

OFFICER NAGAI: Yes.

SGT. TORRES: Officer Nagai, prior to the night of the incident when was the last time that you qualified with your handgun?

OFFICER NAGAI: Would have been December of 2017.

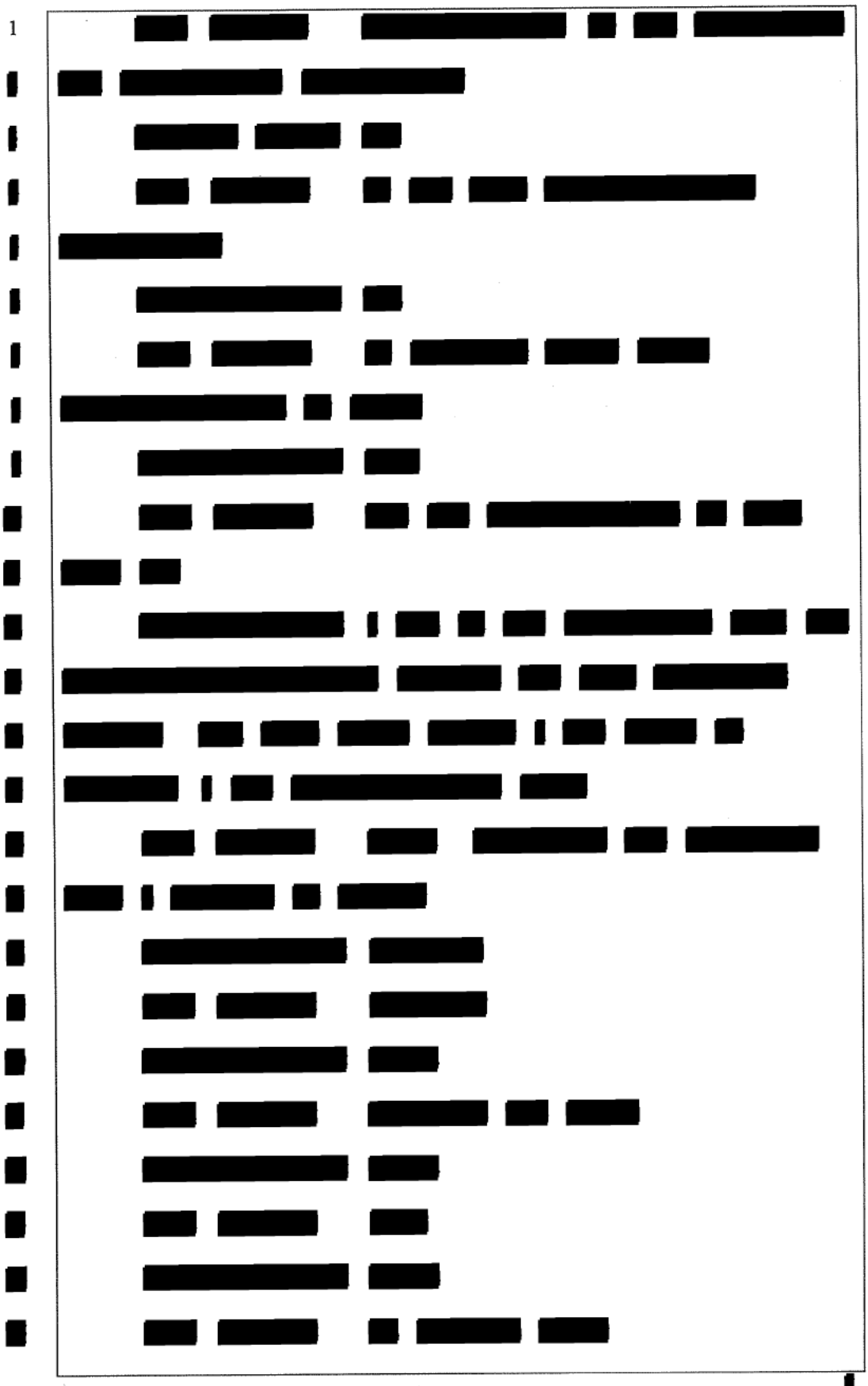
SGT. TORRES: Okay. So you did comply with the latest qualification.

OFFICER NAGAI: Yes.

SGT. TORRES: You were up-to-date.

OFFICER NAGAI: Yes.

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[redacted]

SGT. TORRES: Are you currently taking any prescribed or over-the-counter medication?

OFFICER NAGAI: Yes.

SGT. TORRES: This medication, I assume you're working so it's not medication that would affect this interview or--

OFFICER NAGAI: Correct. It's just Ibuprofen.

SGT. TORRES: Okay. Officer Nagai, on the

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night of the incident, you were working swings, did you get a regular night's sleep the night prior?

OFFICER NAGAI: Yes.

SGT. TORRES: And how many hours of sleep would that have been for you? Regular night.

OFFICER NAGAI: Oh, six or seven.

SGT. TORRES: And that's what you typically get?

OFFICER NAGAI: Yeah.

SGT. TORRES: Had you eaten before your shift started the day of the incident? The night of the incident?

OFFICER NAGAI: Probably. I usually eat. Sometimes I'm running late. Probably.

SGT. TORRES: So you usually do. Do you have a specific recollection if you ate that day?

OFFICER NAGAI: I don't remember.

SGT. TORRES: Okay. And you hadn't had [7m] yet or had you?

OFFICER NAGAI: Yeah, we usually do [7m] right around when midnights come on so about 2100.

SGT. TORRES: Okay.

OFFICER NAGAI: Yeah.

SGT. TORRES: So you might have, if you recall, you might have had [7m] just prior to--

OFFICER NAGAI: Yeah.

SGT. TORRES: This incident.

OFFICER NAGAI: Yeah.

SGT. TORRES: Okay. But you don't have independent recollection of that.

OFFICER NAGAI: No.

SGT. TORRES: Okay. Officer Nagai, do you wear corrective lenses?

OFFICER NAGAI: Yes.

SGT. TORRES: And what do you wear?

OFFICER NAGAI: Contacts.

SGT. TORRES: Were you wearing them the night of the incident?

OFFICER NAGAI: Yes.

SGT. TORRES: And the corrective lenses you were wearing that night, were they also--was it contacts as well?

OFFICER NAGAI: Yes. Correct.

SGT. TORRES: Officer Nagai, the night of the incident, had you taken any medication?

OFFICER NAGAI: No.

SGT. TORRES: The night of the incident, or night slash day--day slash night of the incident, had you consumed any alcohol or controlled substances?

OFFICER NAGAI: No.

SGT. TORRES: Regarding your shift, the night of the incident, can you go through SFPD equipment that you were carrying at the time?

OFFICER NAGAI: Yeah. My duty belt, my duty-issued weapon, both Department-issued magazines, two sets of Department-issued handcuffs, Department-issued OC spray, Department-issued baton, Department-issued radio, body camera, cell phone. And a pocket knife.

SGT. TORRES: Just want to be clear. To clarify, does the Department issue a knife?

OFFICER NAGAI: No.

SGT. TORRES: Okay. Were you issued a hobble and were you carrying it that night?

OFFICER NAGAI: Department does issue a hobble. I didn't have it on me that night.

SGT. TORRES: Okay.

SGT. TORRES: Okay. Officer Nagai, what is your dominant hand?

OFFICER NAGAI: Right.

SGT. TORRES: The night of the incident, Officer Nagai, was your handgun, your Sig, was it fully loaded?

OFFICER NAGAI: Yes.

SGT. TORRES: And how many rounds would that be?

OFFICER NAGAI: I believe our mags hold 12 and then one in the chamber.

SGT. TORRES: So your firearm would have 13 rounds?

OFFICER NAGAI: Correct.

SGT. TORRES: Okay. And you already told me you had your Department-issued spare magazines, two of them. Were they both fully loaded?

OFFICER NAGAI: Yes.

SGT. TORRES: And they each carry how many rounds?

OFFICER NAGAI: Twelve each.

SGT. TORRES: Do you know if your handgun--Department-issued handgun has any modifications?

OFFICER NAGAI: Yeah. The grip is the E2 grip.

SGT. TORRES: And the grip, does the Range know about it? Did they put it on?

OFFICER NAGAI: Yes.

SGT. TORRES: Is that yes to both?

OFFICER NAGAI: Yes. Yes and yes.

SGT. TORRES: Okay. Could you--what was the grip again?

OFFICER NAGAI: Think they call it the E2.

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SGT. TORRES: The E2. Okay.

OFFICER NAGAI: For smaller hands.

SGT. TORRES: Okay.

OFFICER NAGAI: Yeah.

SGT. TORRES: Thank you.

OFFICER NAGAI: Hm-hmm.

SGT. TORRES: Do you carry a secondary firearm?

OFFICER NAGAI: No.

SGT. TORRES: On- or off-duty?

OFFICER NAGAI: Off-duty, yes.

SGT. TORRES: Were you carrying it that night?

OFFICER NAGAI: No.

SGT. TORRES: Okay. And what do you carry off-duty?

OFFICER NAGAI: A Glock 19.

SGT. TORRES: Okay, Officer Nagai, just in your words tell me why we are here today.

OFFICER NAGAI: To discuss, I guess, further what happened the night of the OIS on March 6th.

SGT. TORRES: On Capp Street?

OFFICER NAGAI: Correct.

SGT. TORRES: Okay. Can you briefly summarize the incident from the time you heard the call until you left Capp Street?

OFFICER NAGAI: Sure. So Officer Santana and I, we were at the station doing eStops or checking emails, doing administrative work. That's when we heard kind of--I describe it as like excited radio traffic. I always wear an earpiece. So I heard midnight unit, I believe, getting flagged down for some sort of 211, 221, and they didn't sound what we call Code 4, everything's okay. So automatically that kind of made us stop what we were doing and just kind of chime in, even harder, to see what was going on and we heard someone call out for a Code 33, and that's when Brian and I, we--I believe another unit, we were just sprinting out the doors and getting back into our cars. Once the Code 33 was called, we were making our way down to the area of 21st and Capp. Again, I was riding passenger that day. And we park it near the intersection. Should have been--I believe that was 21st and then we were pretty much blocking off [UNINTELLIGIBLE] no cars can come into Capp Street. And then by the time I get there, I see other units are already kind of stacked up along parked cars and with guns already drawn so by that time I saw everyone there. I kind of knew something serious was going on. I see the driver already getting--he was already

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handcuffed, getting put back into a patrol vehicle. I was looking for a good place to situate myself and there was already people stacked up along the--there was like a silver SUV. I was on the left of the SUV between the car and the main patrol car that was the primary unit. And black Honda Civic, you know, you see the subject in the trunk lying on his back. And his right arm was holding down the latch. You see his legs kind of delineated from whoever's spotlight or flashlight. And then you could sort of see his face but I was never able to see a full facial profile. During that time, you know, there was multiple instances of where the left hand was--looked like it was searching or fishing for something. And then I think that made everyone on the scene super uneasy. And we were screaming at him, "Show us your hand, show us your hands" or "stop reaching." It looked like, given the nature of the call, there was someone involved in--that had a gun, you know. We were just preparing for him actually having the gun. And someone called for a Spanish speaker, just because the Mission 4-car. It's a heavily Hispanic populated area. So it would kind of make sense if that guy's not complying with our commands, he would possibly understand Spanish.

But when Officer Banaguez got on the PA and she's saying, "Show us your hands, show us your hands, show us your hands or we'll shoot," still he's not complying. And then that's when the ERIW comes out. We sent one round at the trunk. It hits the subject. Looked like the right arm area. And then maybe a good, I don't know, 10 seconds later. That night I only heard the gunfire being sent back at us and that's when myself and all the co-workers on scene, we shot at the subject in the trunk.

SGT. TORRES: Go ahead, continue up until you're told to leave the scene.

OFFICER NAGAI: So after the initial shooting we kind of retreat. I retreated to behind the stacked officers up on the [UNINTELLIGIBLE] SUV. And then at that point I know a couple co-workers, they went to go search for the shields. Ballistic shields. To advance on the car to clear the car. And then, you know, we find out that there's another female in the car still. She was hysterically crying with her hands up. And it's too far to hear what she was saying. But once we get the shields, I know I was behind Officer O'Rourke and we cleared the trunk and then I was behind O'Rourke when he's grabbing the girl along with--I think there was a pit bull puppy

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in there, too. And then once she was taken into custody and the car was cleared, everyone pretty much holstered up. And then we waited for Fire to come render aid to the subject that was in the trunk. And, you know, we let the sergeants know on scene that, you know, we fired. I know a Lieutenant showed up and he kind of took charge of things as well. Then we went back to Mission Station for the next process [UNINTELLIGIBLE].

SGT. TORRES: Okay. Officer Nagai, did you draw your firearm?

OFFICER NAGAI: Yes.

SGT. TORRES: Can you tell me why you draw-- you drew your firearm?

OFFICER NAGAI: Because it was a call for someone with a gun. His mannerisms and his unwillingness to comply with simple, lawful orders from us made me extremely nervous for my safety and my life and the safety of my co-workers on scene. Yeah.

SGT. TORRES: What was your aim?

OFFICER NAGAI: Directly at the subject in the trunk.

SGT. TORRES: Do you recall what your field of fire was? Your back-drop?

OFFICER NAGAI: Yeah. It was--well, the trunk and then it is pretty much just--he was like the only car that we were really aiming at. And then there was really no one to my recollection walking up and down the street on the sidewalks, either sidewalk. Just because there was--I don't know. Maybe five or six patrol vehicles all with their lights on and if anything people I think were behind us.

SGT. TORRES: So earlier you stated your position was between a silver car and a radio car.

OFFICER NAGAI: Correct.

SGT. TORRES: Could you just describe that again, what your position was between the two vehicles?

OFFICER NAGAI: I was the left to Ishida. The--between--so if a patrol car was here, there was like another parked car here. [UNINTELLIGIBLE] right there. I even remember seeing [Banaquez] on the PA at the radio car. And then Ishida was directly to my right.

SGT. TORRES: Okay. Sure.

SGT. TORRES: Do you want us to [take the cell]?

OFFICER NAGAI: Sure.

SGT. TORRES: Just a rough sketch and this is--would not be to scale or anything but let's--you know, if you could kind of show what you recall as sort of the positioning of yourself and those around you, relative to one another, on Capp Street. What's that first one? The Honda?

OFFICER NAGAI: Yeah.

SGT. TORRES: So is that the suspect's vehicle?

OFFICER NAGAI: So--let's see, right here. And I was like right there. And then maybe further back. Or--

SGT. TORRES: Well, again, I mean, it's--

OFFICER NAGAI: Somewhere around here.

SGT. TORRES: Don't get it--

OFFICER NAGAI: And then I know there's--Ishida was like right here.

SGT. TORRES: Okay. Why don't you just put an "I". It's Ishida, right?

OFFICER NAGAI: Yes.

SGT. TORRES: Yeah.

OFFICER NAGAI: And then I think there was another--I don't remember who. It could have been Cody or something. Like right here.

SGT. TORRES: Okay. Why don't you mark that.

I mean, and again, just so we're all clear on this. This is not like an accident diagram, to scale.

OFFICER NAGAI: Yeah.

SGT. TORRES: All we're trying to get an idea is relative positioning as you understood it at the time.

OFFICER NAGAI: Yeah.

SGT. TORRES: Okay. So. We're not, you know, not gonna measure exactly this or anything like that.

OFFICER NAGAI: Yeah.

SGT. TORRES: But just for the orientation of one another.

OFFICER NAGAI: Yeah.

SGT. TORRES: Relative to each other.

OFFICER NAGAI: I know [Banaguez] was like right here, giving commands.

SGT. TORRES: Okay.

OFFICER NAGAI: [Banaquez] and then that was Tupper that had--that was like kneeling--

SGT. TORRES: So [Banaquez] is closest to the A-frame.

OFFICER NAGAI: Yes.

SGT. TORRES: Of the patrol vehicle.

OFFICER NAGAI: Yeah. And Tupper's just outside

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of [Banaquez]--

SGT. TORRES: [Banaquez]--

OFFICER NAGAI: [Banaquez] is right--

SGT. TORRES: Yeah.

OFFICER NAGAI: [Banaquez] is looking at the Honda. And then Tupper was like kneeling--and the window was down and I think he had the ERIW resting on the--where the window would be.

SGT. TORRES: Okay.

OFFICER NAGAI: And then--yeah, we were like--

SGT. TORRES: So then you were--you were to the right and behind Tupper's position.

OFFICER NAGAI: Yeah.

SGT. TORRES: Sort of below--below like if you draw a line from the Honda trunk behind the Honda.

OFFICER NAGAI: Yeah, I mean, I'm pretty squared away.

SGT. TORRES: Straight up view?

OFFICER NAGAI: Straight up view. And it was pretty unobstructed.

SGT. TORRES: Okay. And then Ishida's to your right. And to the right of Ishida was--

OFFICER NAGAI: I believe it was Cody. I'm not--

SGT. TORRES: Cody--

OFFICER NAGAI: I don't even think he shot but he was there on scene.

SGT. TORRES: Cody who?

OFFICER NAGAI: Cody.

SGT. TORRES: First or last name?

OFFICER NAGAI: Cody's h is last name.

SGT. TORRES: Okay, okay.

OFFICER NAGAI: Yeah.

SGT. TORRES: Okay. So I'm at your C there, right? So you have an I, C, X for yourself.

OFFICER NAGAI: Yeah, I think. And I was probably right--

SGT. TORRES: Why don't you put a circle around that one so we know that the--that's the approximate position [UNINTELLIGIBLE]. Anybody else that you recall?

OFFICER NAGAI: I mean--when Santana got the ERIW, I could hear his voice from--on this side and I don't know--

SGT. TORRES: So you're pointing to the driver's side--

OFFICER NAGAI: Yeah.

SGT. TORRES: Of the patrol vehicle.

OFFICER NAGAI: [UNINTELLIGIBLE] of the patrol vehicle. I wasn't, you know, I could just hear him

[UNINTELLIGIBLE]--

SGT. TORRES: You couldn't see him?

OFFICER NAGAI: No.

SGT. TORRES: So you heard a voice that sounded like it was coming from that side of the vehicle.

OFFICER NAGAI: Yeah.

SGT. TORRES: But you didn't see him.

OFFICER NAGAI: I didn't see him.

SGT. TORRES: Okay. Where was your focus at the time?

OFFICER NAGAI: Definitely at the trunk.

SGT. TORRES: Okay.

OFFICER NAGAI: The whole time.

SGT. TORRES: Okay.

OFFICER NAGAI: Yeah.

SGT. TORRES: Anybody else that you remember?

OFFICER NAGAI: No.

SGT. TORRES: Okay. What direction would this be at the top of the page?

OFFICER NAGAI: That would be southbound--

SGT. TORRES: South. So let's mark this north. Down here with the arrow like you would. Yeah. And we have to remember to have you sign and date that at the end. Okay?

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SGT. TORRES: [UNCERTAIN OF IDENTITY OF SPEAKER] And this is obvious but the 600 block of Capp Street.

SGT. CRUDO: [UNINTELLIGIBLE] Yeah. You have a question. Okay.

SGT. TORRES: So I believe you answered this question, Officer Nagai, but I'm going to go ahead and ask it. Were there officers flanking you and I believe you said--

OFFICER NAGAI: What does flanking mean?

SGT. TORRES: To the side.

SGT. CRUDO: To the side.

OFFICER NAGAI: Oh, yeah, yeah. Yeah, there were.

SGT. TORRES: So you have Officer Ishida? Is that correct?

OFFICER NAGAI: Yeah.

SGT. TORRES: And another officer, Officer I believe Sean Cody?

OFFICER NAGAI: Yeah.

SGT. TORRES: Okay.

SGT. CRUDO: To your right.

OFFICER NAGAI: To my right. Yeah.

SGT. TORRES: And the right of Ishida.

OFFICER NAGAI: Correct.

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SGT. TORRES: Okay. Were there officers forward of your position?

OFFICER NAGAI: Yeah. The primary unit. That made the--that were making like the commands over the PA.

SGT. TORRES: And you indicated on your drawing that that was Officer Tupper?

OFFICER NAGAI: Yeah.

SGT. TORRES: Tupper.

OFFICER NAGAI: [Banaquez].

SGT. TORRES: [Banaquez]. Were you behind cover and concealment?

OFFICER NAGAI: At that time, no.

SGT. TORRES: At any time were you behind cover and concealment?

OFFICER NAGAI: When the initial rounds were fired. I think we all pretty much stacked up by each other behind the silver SUV.

SGT. TORRES: Okay. So after the shots were fired you moved to your right.

OFFICER NAGAI: Yeah.

SGT. TORRES: Behind cover, behind the silver SUV.

OFFICER NAGAI: Yeah.

SGT. TORRES: Do you know the difference

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between the cover and concealment?

OFFICER NAGAI: Yes.

SGT. TORRES: Can you explain that to me, please?

OFFICER NAGAI: I mean, cover would be something like the engine block of a patrol car. Or I don't know, the wheel wells of the patrol vehicle and then concealment would be like our flimsy patrol vehicle doors 'cause the bullets to the rifle just eat right through them.

SGT. TORRES: What training did you receive regarding cover and concealment?

OFFICER NAGAI: Our time at the SFPD Police Academy.

SGT. TORRES: Do you think you were in a position of advantage?

OFFICER NAGAI: Retrospect, no.

SGT. TORRES: Officer Nagai, did you fire your weapon?

OFFICER NAGAI: Yes.

SGT. TORRES: Why did you start firing?

OFFICER NAGAI: I heard the gunfire from the trunk. And someone on scene in our direction--us on scene meaning the police. So fired--fired back.

SGT. TORRES: And what were you--what was your

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mind going through, if you recall? What were you feeling? Were--

OFFICER NAGAI: Scared. Definitely a lot of anxiety. Those are probably the two main ones.

SGT. TORRES: Did you use your sights to acquire the sight picture or were you point shooting?

OFFICER NAGAI: I don't remember.

SGT. TORRES: Was it one-handed or two-handed shooting?

OFFICER NAGAI: Two-handed.

SGT. TORRES: Were you holding an illumination device?

OFFICER NAGAI: No.

SGT. TORRES: Do you know how many rounds you fired?

OFFICER NAGAI: No.

SGT. TORRES: Why did you stop firing?

OFFICER NAGAI: I think I stopped firing once I heard from the left and right of me, after pretty much everyone stopped firing, I believe I did as well to kind of just assess if we stopped the threat.

SGT. TORRES: And what were you shooting at?

OFFICER NAGAI: The suspect in the black Honda.

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SGT. TORRES: Did you notify a supervisor of your discharge? If so, when and to whom?

OFFICER NAGAI: I don't recall to whom. I know Sergeant Caldera and Sergeant Perez were already on scene. I don't really remember who I notified but they were 97 on the scene.

SGT. TORRES: Did you recognize the suspect in the trunk?

OFFICER NAGAI: Afterwards or--

SGT. TORRES: At any time?

OFFICER NAGAI: No.

SGT. TORRES: How about the driver?

OFFICER NAGAI: No.

SGT. TORRES: Did you try to establish communication with the suspect to build a rapport?

OFFICER NAGAI: No.

SGT. TORRES: Why not?

OFFICER NAGAI: At that time it just--things were kind of progressing very rapidly. There wasn't really an opportunity to do so because we were just trying to get him--get us to show his hands and once he didn't comply with the--the bean bag round, he--his next response was just, you know, fire at us with lethal force so there wasn't--an opportunity to do so in my mind.

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SGT. TORRES: Officer Nagai, do you speak Spanish?

OFFICER NAGAI: Yes.

SGT. TORRES: Fluently?

OFFICER NAGAI: Not fluently but enough to know what was being said on the loud speaker.

SGT. TORRES: Okay. Did you hear the suspect say anything prior to the shooting?

OFFICER NAGAI: No.

SGT. TORRES: I'm going to go back Officer Nagai. Are you Department-certified Spanish speaker?

OFFICER NAGAI: Yes.

SGT. TORRES: And I'm sorry. I missed this. Did you hear the suspect say anything prior to the shooting?

OFFICER NAGAI: No.

SGT. TORRES: Did you see the female in the rear of the vehicle? If so, when?

OFFICER NAGAI: Yes. And it was after the initial shooting.

SGT. TORRES: Was anybody--did you notify anybody about the female?

OFFICER NAGAI: There were sergeants already on the scene.

SGT. TORRES: Was it evident that the female was there?

OFFICER NAGAI: Yeah.

SGT. TORRES: And why would you say that?

OFFICER NAGAI: She was in the rear passenger seat. And you could definitely see her head pop through the back windshield and she had her hands and she was hysterically crying.

SGT. TORRES: Did you receive directions, instructions from anyone, whether prior or after the shooting?

OFFICER NAGAI: Definitely after. Lieutenant Banta was on the scene and was kind of going through like who shot, who didn't shoot. Then basically coordinating rides for us back to Mission Station. You know, not to talk about it. And before hand, it wasn't really time to--much--there was direction given because we were just all focused on the suspect and vehicle.

SGT. TORRES: So you did not receive directions or instructions from anyone prior to the shooting.

OFFICER NAGAI: Correct.

SGT. TORRES: How about prior to Lieutenant Banta arriving on scene? Any instructions or

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directions prior to that?

OFFICER NAGAI: Not really directions from anyone in particular. We still kind of collectively knew that we had to clear the car and make sure there were no further threats because that's why people went to run and get the shells.

SGT. TORRES: So along the same lines, did you discuss a plan of action with anybody?

OFFICER NAGAI: No. It just kind of seamlessly just kind of happened.

SGT. TORRES: Okay. Did you know who was in charge of the incident, if anyone?

OFFICER NAGAI: After the fact that the sergeants kind of took roll of, I didn't really particularly look to anyone for direction, I guess. Or control or--yeah. So I--I don't know.

SGT. TORRES: So Officer [Banaquez] was giving commands. But beyond that you didn't hear or know of any other directions that were given?

OFFICER NAGAI: I mean, I were--I was screaming at--at the guy, the suspect, to stop reaching. To show us your hands. I know I had screamed that at him like maybe two to three times. Just when we were watching that left hand just kind of move around in the trunk, it was making everyone feel

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extremely uneasy.

SGT. TORRES: Right. I was referring to any police personnel giving any instructions or directions.

OFFICER NAGAI: No. I guess [Banaquez] was kind of the main one over the PA.

SGT. TORRES: Okay. Did you see a supervisor on scene? If so, when?

OFFICER NAGAI: Yes, and after the shooting.

SGT. TORRES: What supervisor was on--do you know if a supervisor was on scene at the time of the shooting?

OFFICER NAGAI: Yeah. I know definitely David 115 or Sergeant Caldera was there. Not sure when Sergeant Perez was there, if not at the time but he was there as well. And then Lieutenant Banta was there as well.

SGT. TORRES: At the time of the shooting?

OFFICER NAGAI: Not sure at the time of the shooting. Could have been after or shortly after.

SGT. TORRES: Okay. I think we've covered this but I'm going to ask. What warnings were given, if you recall, and by whom?

OFFICER NAGAI: [Banaquez] in Spanish was telling him to show us your hands, show us your left

hand, show us your hands or we're gonna shoot. Officer Santana on the left side of the patrol car, you know, "show us your hands or open the lid." And then gave the ERIW commands, "red light, red light". Then he, you know, sent a round. And then there were multiple officers on scene that were screaming at him to show us--show us your hands or stop reaching. So I mean I feel like English and Spanish was pretty exhausted on scene and he wasn't complying.

SGT. TORRES: Would you say those warnings were clear?

OFFICER NAGAI: Yeah.

SGT. TORRES: Both in English and Spanish?

OFFICER NAGAI: Yes.

SGT. TORRES: Do you think any other forms of force options were available to you?

OFFICER NAGAI: No. Not at that time.

SGT. TORRES: Can you discuss--can you discuss why they weren't available to you and why they weren't feasible for deployment?

OFFICER NAGAI: Yeah. I mean, during--due to the type of incident, a person with a gun, the next useful options was their baton and OC spray and those are not--I can't toss my baton at him to--and

he just wasn't complying with our orders and due to how fast the incident actually progressed, him shooting at us, there was no other really feasible force option for us to use other than our firearm.

SGT. TORRES: Okay. You talked about throwing your baton. Were you trained to throw your baton?

OFFICER NAGAI: No.

SGT. TORRES: And the distance would have required something similar.

OFFICER NAGAI: Yeah.

SGT. TORRES: Right? And because of that distance, would OC been effective?

OFFICER NAGAI: No.

SGT. TORRES: Okay. And then how about--what's the other--what's our other force option?

OFFICER NAGAI: Verbal commands or, you know, control holds or physical force. And do to the--we were giving him verbal commands and he wasn't complying. And we're not gonna be so close to him for--being that he could have had a fire--which he did--had a firearm, you know? We were keeping some sort of distance between us and the suspect.

SGT. TORRES: Okay. In your opinion, how long did this whole incident last from the time you got on scene until you were--until the shots rang out?

OFFICER NAGAI: I'd say it was about five, seven minutes.

SGT. TORRES: Did it seem fast to you? Did it seem long?

OFFICER NAGAI: It seemed long. But, you know, 6, 7 minutes is not very long at all but seemed like an eternity that we were on scene.

SGT. TORRES: So when you say 5 to 7 minutes, are you saying that based on what you got--

OFFICER NAGAI: I mean, based on watching BWC but for me actually being right then, there, it seemed like a lot of time.

SGT. TORRES: So what did it seem like at the time? I mean, to you, what was your sense of time that you were there or reviewing your body-worn--

OFFICER NAGAI: At least 10 or 15 minutes. To me, it felt like that but I know it probably was just 5 to 7.

SGT. TORRES: You talked about after--having fired your weapon that you moved to cover. Was there somebody else that moved to cover with you?

OFFICER NAGAI: It was Ishida, we both kind of just retreated back and stacked up on everyone else so it's behind that silver SUV.

SGT. TORRES: Okay. When did you turn on your

body camera?

OFFICER NAGAI: Upon exiting the wagon. I mean, it was already on but, you know, I tapped it upon exiting the vehicle.

SGT. TORRES: So it was buffering and then you activated the record--

OFFICER NAGAI: The record function, yeah.

SGT. TORRES: Okay. The function button.

OFFICER NAGAI: Yeah.

SGT. TORRES: And why did you turn it on?

OFFICER NAGAI: It's what we're supposed to do when we're out of the station. Oh, you mean the record function?

SGT. TORRES: Yes.

OFFICER NAGAI: Oh, just--because I--we came on scene and just due to the nature of the call, especially, I wanted to have all the evidence, you know, either for, you know, stuff like this to review.

SGT. TORRES: So you were performing a police function.

OFFICER NAGAI: Yeah, correct.

SGT. TORRES: Okay. To whom did you give your Public Safety Statement?

OFFICER NAGAI: I don't remember.

SGT. CRUDO: Do you know what a Public Safety Statement is?

OFFICER NAGAI: No.

SGT. CRUDO: So were you asked--do you recall being asked probably by--usually it's by a Sergeant--a series of questions about your, like, direction of fire, whether or not you were shot at, where evidence might be, possible witnesses, possibly reading off a blue card. Do you remember anything like that happening?

OFFICER NAGAI: Wouldn't that have happened the night of or--

SGT. CRUDO: It should have.

OFFICER NAGAI: Yeah, I don't--I don't remember.

SGT. CRUDO: Okay.

OFFICER NAGAI: Yeah.

SGT. TORRES: Were you separated and monitored?

OFFICER NAGAI: Yeah.

SGT. TORRES: And who monitored you?

OFFICER NAGAI: I can't say for certain. I'm not sure.

SGT. TORRES: Did you discuss this incident with anyone prior to meeting with your counsel?

OFFICER NAGAI: No.

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SGT. TORRES: Officer [Ishida], have you been involved in a critical incident prior to this incident?

OFFICER NAGAI: No, it's Nagai, I haven't, no. [LAUGH] All good.

SGT. TORRES: My apologies.

OFFICER NAGAI: Other Japanese guy.

SGT. TORRES: No, it's my last two guys. Just because of the ethnicity.

OFFICER NAGAI: It's all good.

SGT. TORRES: I'm sorry.

OFFICER NAGAI: All good.

SGT. TORRES: So let me ask it again, Officer Nagai, did you discuss this incident with anyone prior to meeting with your counsel?

OFFICER NAGAI: No.

SGT. TORRES: Okay. And I guess I should answer--ask this one. Officer Nagai, have you been involved in a critical incident prior to this?

OFFICER NAGAI: Not in OIS. I mean. Been with multiple barricaded suspects where, you know, SWAT and Specs were to get called out. But nothing to this gravity.

SGT. TORRES: Okay. Did you suffer any physical injuries as a result of this incident?

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OFFICER NAGAI: No.

SGT. TORRES: Sergeant Crudo?

SGT. CRUDO: Yeah. Sorry. I got a few questions for you. I want to kind of go towards that--Sergeant Torres asked so sorry for [UNINTELLIGIBLE], okay? So going back to your experience. [redacted]

school [redacted]

[redacted]

SGT. CRUDO: Okay. Your dominant hand's the right hand, correct?

OFFICER NAGAI: Correct.

SGT. CRUDO: Okay. So that is the hand that

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you [UNINTELLIGIBLE] with your [UNINTELLIGIBLE] on your right side?

OFFICER NAGAI: Correct.

SGT. CRUDO: Okay. And then go back a little bit. You drew that sketch for us and I appreciate that. And that gives me a sense of kind of relative positioning. But how far away would you estimate that Ishida and Cody were from you [UNINTELLIGIBLE]. And I guess Ishida was the closest one. So--

OFFICER NAGAI: Yeah.

SGT. CRUDO: [UNINTELLIGIBLE]

OFFICER NAGAI: Ishida was pretty much right next to me.

SGT. CRUDO: Right next to you?

OFFICER NAGAI: Yeah.

SGT. CRUDO: Okay. And then Tupper and [Banaquez] are by the passenger--open passenger side door they [UNINTELLIGIBLE] the car, correct? And [Banaquez] is closest to the car or slightly to your left--

OFFICER NAGAI: Left.

SGT. CRUDO: And in front of you.

OFFICER NAGAI: Yeah.

SGT. CRUDO: How far away was, I guess it would have been--

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OFFICER NAGAI: Tupper.

SGT. CRUDO: Tupper would have been a little bit closer, right?

OFFICER NAGAI: Yeah.

SGT. CRUDO: How far away was Tupper from you?

OFFICER NAGAI: I don't know. Maybe 6 to 8 feet, I guess.

SGT. CRUDO: Okay. So like the length of a person, roughly, and maybe a little more than that.

OFFICER NAGAI: Yeah.

SGT. CRUDO: Okay. You said when you started firing it's because you heard gunfire from the truck. You said that you had a good unobstructed view from where you were positioned. Did you see anything else from that--with that unobstructed view to indicate there was gunfire?

OFFICER NAGAI: No from my independent recollection of--I mean, you could definitely see it from my body camera. But, no. I only heard the loud--you know, gunfire coming from that truck. And then that's why--

SGT. CRUDO: Do you call you hear--

OFFICER NAGAI: Yeah.

SGT. CRUDO: Is it possible, had you looked

away or were you--was your attention at some point diverted anywhere else?

OFFICER NAGAI: No, I was pretty focused in on the suspect [UNINTELLIGIBLE].

SGT. CRUDO: Okay. And I apologize. This is like kind of a self-evident question. But think it's an important question to ask you. When Sergeant Torres asked you what was going through your mind, you said you were scared and you were feeling, quote, "a lot of anxiety". Why? No, I get what you were feeling but why were you feeling like that?

OFFICER NAGAI: 'Cause for whatever reason this call I felt like--'cause, you know, we go to a lot of 221 calls and a lot of times person doesn't have a gun or the person calling 911 never saw a gun. However, just by this guy's movements and how he was no complying with our orders, I think it made everyone uneasy on scene and, you know, it just--it would just make the hair on the back of my neck just kind of stand up on end and that left hand, him fishing around in the back of the trunk, just seemed like he was concealing some sort of weapon. If it wasn't a gun, it could have--I don't know what it could have been but, I mean, it was a gun. So--

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yeah, I think that's where all the anxiety and [UNINTELLIGIBLE]--

SGT. CRUDO: And--

OFFICER NAGAI: Stem from.

SGT. CRUDO: Just take it a step further. So what does that--how does--how would--or why would that produce fear or anxiety for you?

OFFICER NAGAI: Just 'cause I could die. My co-workers could die. Just from the nature of the call and him having a gun.

SGT. CRUDO: Okay. And then when you said you stopped firing, I want to kind of clarify that 'cause I don't--I didn't quite understand what you were saying so you said that you'd heard firing from your left and right and then you said you kind of--what I heard you say, said you kind of heard that it was stopping or stopped. And so is that why you stopped firing? Because you heard that other officers were no longer firing?

OFFICER NAGAI: Yeah.

SGT. CRUDO: Okay. What did you see at the time?

OFFICER NAGAI: That the exchange of gunfire, there wasn't any anymore so stopped to assess and then that's when I think me and Ishida just kind of

retreated.

SGT. CRUDO: Okay, so at that point when you retreated, when you moved to--you talk about the stack. Did you change your focus or was your focus still on--you talked about being focused on the suspect.

OFFICER NAGAI: Yeah.

SGT. CRUDO: So when you moved, which you say was after the shooting, did you divert your attention elsewhere from the suspect?

OFFICER NAGAI: We were still focused on the suspect. Definitely retreated but then, you know, we--having to focus our attention on the female in the car because she popped her head up pretty much after the gunfire was--had stopped.

SGT. CRUDO: And when we're talking about that a little bit, because I was going to ask you, any indication before of her? Did you see a silhouette of her or did you see her [UNINTELLIGIBLE]--

OFFICER NAGAI: No. I had no idea that there was anyone else in there.

SGT. CRUDO: Did you hear her, a female voice or anything, before, was there any--

OFFICER NAGAI: No.

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SGT. CRUDO: Any indicators that you picked up? Okay. You're shaking your head no.

OFFICER NAGAI: No. Yeah.

SGT. CRUDO: No. Okay. But do you recall what you were looking at, at that point?

OFFICER NAGAI: Yeah, so the suspect in the car and then it didn't seem like he was moving anymore so--

SGT. CRUDO: Okay.

OFFICER NAGAI: Yeah.

SGT. CRUDO: So you see the suspect and he had stopped moving?

OFFICER NAGAI: Yeah.

SGT. CRUDO: Can you--if you recall, can you describe sort of what his body--you told us that, you know, he had his right hand. He's holding the lid up. He was moving his left hand around. It made you nervous. You heard shots fired from his location. You returned fire. Officers to the left and right now are stopping firing. You talked about reassessing. You can see that he's not fire--what do--what do you see now?

OFFICER NAGAI: I see just his kind of just limp body in back of the--the Honda.

SGT. CRUDO: Okay.

OFFICER NAGAI: Yeah. It didn't seemed like he was moving or a threat anymore.

SGT. CRUDO: Okay. Did you see how he was limp or laying or positioned? Could you see, kind of get--if you can kind of paint a little picture for me, that would be helpful.

OFFICER NAGAI: I think he was on his back. You know, similar to the way he was prior to him actually firing. But, I mean, other than that I can't give any more description than that.

SGT. CRUDO: Okay. We talked a little bit about the Public Safety Statement questions. You don't recall if you were asked that. You did mention that you saw--you notified your supervisor. When that question was asked, you talked about Sergeants Caldera and Perez being on the scene. Is that when you first noticed them? Did you notice them prior to the shots being fired?

OFFICER NAGAI: No. I mean, I wasn't really too, you know, I wasn't too keened in on who was actually on the scene.

SGT. CRUDO: Sure.

OFFICER NAGAI: 'Cause that wasn't really my focus at that time but definitely after I knew they were there.

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SGT. CRUDO: So the first time you really noticed them was sometime after shots were fired--

OFFICER NAGAI: Yes.

SGT. CRUDO: But do you recall if they asked you any kind of--again, I talked about what the Public Safety Statements were that encompasses. Do you recall either of them might have asked you--

OFFICER NAGAI: I don't remember.

SGT. CRUDO: Okay.

OFFICER NAGAI: Yeah.

SGT. CRUDO: So when you said, and I want to just--you were asked what supervisors were on scene at the time of the shooting and you said, that Caldera was there. Were you saying Caldera was there at the time of the shooting or you believe he was?

OFFICER NAGAI: I believe he was. I mean, I--he wasn't [UNINTELLIGIBLE]--

SGT. CRUDO: When we get to it. And it's now we kind of a redundant question but you didn't see him until after shots were fired.

OFFICER NAGAI: Correct. Yeah.

SGT. CRUDO: Okay. And that was the time you were actually aware that he was present.

OFFICER NAGAI: Yeah.

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SGT. CRUDO: Okay. I just want to get that straight. And then Sergeant Torres asked you about critical incidents. And you said you've been in a few barricaded suspects and included a call out with SWAT and everything. So you've been at other--this was to some degree sort of a brief stand-off. You've been to other stand-off situations that didn't--had a different outcome. Had an outcome more the suspect taken into custody.

OFFICER NAGAI: Yeah.

SGT. CRUDO: Okay. So anything in your mind kind of make this sort of that kind of be looking at, back at it now, that makes it--maybe was the difference in this thing?

OFFICER NAGAI: No. I mean just the fact that he wasn't--you don't show us your hands, I mean, you know, you're firing at the police and then it's not really in my mind too much of a--you know, there's no need to call out for agency or SWAT or, you know, Specs to come out.

SGT. CRUDO: It just kind of--kept evolving and it went rather quickly. Do you know what I mean if I say "static" versus "dynamic", do you know what I mean by that?

OFFICER NAGAI: Yeah, I mean, it's static in the

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sense of, you know, you can kind of wait it out or if we had time or--

SGT. CRUDO: Right. And dynamic meaning it's kind of always changing and progressing, I guess?

OFFICER NAGAI: Yeah. Tense. [UNINTELLIGIBLE] rapidly evolving. I definitely felt like this Capp Street incident was dynamic.

SGT. CRUDO: Okay.

OFFICER NAGAI: In the sense of we get there, there's at least 12 of us lined up with guns drawn and if--as a suspect, if you don't understand that you see a police presence, 12 guns trained on you, you're not showing us your hands, not following simple commands, after getting hit with a bean bag gun, you're still shooting at the police, in my mind there wasn't really too much else that we could have done to try and coax him out of it, trunk of the vehicle.

SGT. CRUDO: And was that different? When you've got situations that are a little more static--

OFFICER NAGAI: Yeah. I mean, if we're unable to gain entry and we--like a barricaded suspect, if we know from a victim that--or a witness that he's the only person in the house and there's no other

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victims, there's no exigency? We have time to wait. Time to get the specialized resources out there to the scene to take command and, you know, kind of wait and give more time if needed.

SGT. CRUDO: But was that time available? I mean, I feel like I'm ask--I don't--

OFFICER NAGAI: I don't feel like there was time for that in this particular incident.

SGT. CRUDO: Okay. And I'm sorry this is out of order. This is not what I like to do but just in terms of you said that you carry off-duty a secondary Glock 19. What caliber is that?

OFFICER NAGAI: Nine millimeter.

SGT. CRUDO: Nine millimeter? Okay. And then the last thing I want to--this is sort of-- could you answer--[UNINTELLIGIBLE] this, or in the interview you answered this two different ways. There was a question that was asked and I just--when talking about--early on when talking about your back-drop when you initially set up, you answered Sergeant Torres and you said, you were talking about kind of you had a clear field of fire. And you said that you were aiming at the car at that time. And then later on when really you were talking about firing your weapon, you talked about it in front of-

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-you were aiming at the driver. So--or excuse me, the suspect.

OFFICER NAGAI: Yeah.

SGT. CRUDO: So I apologize. Not the driver. You were aiming at the suspect so what was your aim? What were you aiming at?

OFFICER NAGAI: At the suspect.

SGT. CRUDO: Okay.

OFFICER NAGAI: Who was in the black [UNINTELLIGIBLE]--

SGT. CRUDO: So early on when you talk about your back drop and you said you were aiming at the car, were you saying you were aiming sort of through a car or--

OFFICER NAGAI: At the suspect inside the truck.

SGT. CRUDO: Okay.

OFFICER NAGAI: Yeah.

SGT. TORRES: Officer Nagai, did you happen to recall seeing Officer Tupper fall down?

OFFICER NAGAI: No.

SGT. TORRES: No. Okay. I have a couple photos I just wanted to show you.

OFFICER NAGAI: Sorry. May I--

SGT. TORRES: Yeah. If you wouldn't mind signing and dating that. [UNINTELLIGIBLE] Okay.

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Thank you. Just so I'm going to show you the two photos are. The first is gonna be just prior to the discharge of the firearm.

OFFICER NAGAI: Okay.

SGT. TORRES: And this is your camera and I believe this is the inside of your left arm. Just want to show you.

OFFICER NAGAI: Oh, okay.

SGT. TORRES: Does that look like your arm?

OFFICER NAGAI: Yeah.

SGT. TORRES: Okay. Okay. And again, this is the perspective from the body camera. Not from your perspective. It's not the greatest quality picture because it is at night.

OFFICER NAGAI: Yeah.

SGT. TORRES: So it gives me and you, now that you're looking at it, a better perspective of where you were.

OFFICER NAGAI: Yeah.

SGT. TORRES: Okay. And the second photo I want to show you, it's from the same camera although you can't distinguish your arm. It's not in the picture.

OFFICER NAGAI: Oh, I think it's--

SGT. TORRES: [UNINTELLIGIBLE]

OFFICER NAGAI: Yeah.

SGT. TORRES: You recognized it, yes.

OFFICER NAGAI: No, it's after--the shooting. This is after the last shot was fired.

SGT. TORRES: Okay. I print these out to show you. I want to give--and, again, this is the perspective of the body camera, not the perspective of how you see it. This is one-dimensional and it's not what the BI sees.

OFFICER NAGAI: Yeah.

SGT. TORRES: But I just wanted to show you these and give you a perspective of what the camera sees as your field of fire. And inherent dangers that are involved in this. And I don't know if you realize it but Officer Tupper does fall down. He did fall down during the shooting.

OFFICER NAGAI: Hm-hmm.

SGT. TORRES: And several times the officer, I don't know who it is, whether it's Officer Sean Cody or another officer, he kept on trying to look--look over. But the main thing, why I show you this, is because after the shots were fired is when you recognized that it's not a good spot and so you did move and that's great. It would have been much better had it been, you know, prior to that.

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OFFICER NAGAI: Yeah.

SGT. TORRES: Obviously, you know, this area is covered by these officers. So I only bring this up specifically for future reference.

OFFICER NAGAI: Yeah.

SGT. TORRES: And do you understand why--you know.

OFFICER NAGAI: Absolutely.

SGT. TORRES: Okay.

OFFICER NAGAI: Yeah.

SGT. TORRES: Okay. Officer Nagai, has this incident impacted you in other ways, whether loss of sleep, appetite, then of course there would have probably been closer to the incident.

OFFICER NAGAI: Hm-hmm.

SGT. TORRES: But the reason I asked is because if it has, you know, and again, I apologize that this interview's so far removed. But I just want to be certain that you understand that there's resources the Department has as far as BSU, the Employee Assistance Program, and of course the point person on all of this is Sergeant Art Howard. They do a phenomenal job helping the officers get through stressful situations like this. Life-threatening situations like this. I just want to make sure

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you're aware of those.

OFFICER NAGAI: Yes. Thank you.

SGT. TORRES: Beyond that, Mr. Brass, do you have anything?

ATTY. BRASS: I do not. Thank you.

SGT. TORRES: Okay. In closing, Officer Nagai, is there any other information relevant to this incident that I haven't asked you about that you believe I should know, that may aid me in my investigative--in my administrative investigation?

OFFICER NAGAI: No.

SGT. TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone else, other than your Representative. Do you understand?

OFFICER NAGAI: Yes.

SGT. TORRES: Okay. That concludes this interview. The time is 17:22 and Mr. Brass, I'll certainly get you a copy of this.

ATTY. BRASS: Thank you.

SGT. TORRES: And the photos, if you'd like.

ATTY. BRASS: Okay. Thanks.

SGT. TORRES: Okay. That concludes. It is still 17:22.

END OF DOCUMENT

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DPA
San Francisco Department of Police Accountability

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Tuesday, March 26, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	SEAN O'ROURKE #2214	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/4/2019 at 7:00 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

San Francisco Department of Police Accountability

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MEMBER TO BE SERVED:	SEAN O'ROURKE #2214	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/4/2019 at 7:00 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

Fold Here First

DPA Use Only

Fold Here Second

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25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

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City and County of San Francisco
Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18
Incident Report or Citation No.		
[redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Sean O'Rourke #2214	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SERGEANT TORRES: Okay. This interview is regarding OIS Case number [redacted]. This interview is taking place at the Office of Internal Affairs Division on May 18th, 2018, and the time is currently is 1101 hours. Conducting this interview is Sergeant Pilar Torres, Star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is, please state and spell your name and Star number.

OFFICER O'ROURKE: Officer Sean O'Rourke, S-e-a-n, O, apostrophe, R-o-u-r-k-e, and my Star number is 2214.

SERGEANT TORRES: And you're the named member in this matter. Representing Officer O'Rourke is…

POA ATTY NOBLES: Don Nobles, POA Attorney.

SERGEANT TORRES: Also present from the Internal Affairs Division is…

SERGEANT CRUDO: Sergeant John Crudo, C-r-u-d-o, Star number 1694.

SERGEANT TORRES: And no one else is present. Officer O'Rourke, have you read the SFPD complaint form regarding this administrative

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investigation? It was the notice that I sent you.

OFFICER O'ROURKE: Yes.

SERGEANT TORRES: Regarding today's interview?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Perfect. Have you read and do you understand Department General Order 2.08 and Government Code 3303? It basically deals with Peace Officers Bill of Rights.

OFFICER O'ROURKE: Yes, I have.

SERGEANT TORRES: Okay. Have you read and do you understand Department General Order 2.01, Rule 21 and Rule 49?

OFFICER O'ROURKE: Yes.

SERGEANT TORRES: Because this is a confidential investigation, you are ordered not to speak about this interview to anyone. Do you understand, outside of your counsel?

OFFICER O'ROURKE: Yes, sir, I do.

SERGEANT TORRES: Do you understand that this interview is being recorded?

OFFICER O'ROURKE: I do.

SERGEANT TORRES: Officer O'Rourke, because there may be criminal culpability on your part, I want to be certain you understand the following

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points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these rights that I've explained to you?

OFFICER O'ROURKE: Yes, sir, I do.

SERGEANT TORRES: Okay. With these rights in mind, would you like to speak to me?

OFFICER O'ROURKE: No, sir, I do not.

SERGEANT TORRES: While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am, therefore, ordering you, on behalf of the Chief of Police, to answer my questions in this administrative investigation.

If you refuse to answer my questions, your silence can be deemed insubordination, and result in administrative discipline including and up to termination of your employment. Any statement you make under the threat of such discipline, will be used for administrative purposes only, and cannot

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be used against you criminally, unless you choose to testify in such a criminal case. Your statements and any information you provide, will be held confidential, consistent with the California Constitution, Article I, section 1, and the San Francisco City Charter and Administrative Code, and will not be divulged except as required by law. Do you understand this order?

OFFICER O'ROURKE: Yes, sir, I do.

SERGEANT TORRES: Officer O'Rourke, will you answer my questions as ordered, at this time?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Okay. Officer O'Rourke, as you know, I monitored your voluntary interview with the Homicide investigators, conducted on March 8th, 2018, and you've been given the transcripts of the interview. Have you had the opportunity to review the transcripts?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: It is not uncommon that after a life-threatening encounter, as the body works through natural releases of adrenaline and other physiological reactions, that additional things are remembered, or memories and perceptions become clearer. Having reviewed your interview, is

there anything that was not covered in that interview that you would like to add to the record at this time or anything that you'd like to clarify?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER O'ROURKE: A different, I'm sorry, is a different recollection than what I talked about earlier? Is it…?

SERGEANT TORRES: Again, there's a time period away from the incident and away from the interview, if something has come in your mind more clear.

OFFICER O'ROURKE: Uh-huh.

SERGEANT TORRES: Because of the time gap, and all the memories that have come since.

OFFICER O'ROURKE: Right.

SERGEANT TORRES: If there's anything that you would like to clarify from that interview that is a little more clear, and not from anything that you've seen on video, just in your mind that you recall.

OFFICER O'ROURKE: Okay.

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SERGEANT TORRES: That if you'd like to clarify, now's the time to do it.

OFFICER O'ROURKE: No. My perception of events as they transpired is essentially the same.

SERGEANT TORRES: Okay. So, before we get in the heart of the interview, I'd like to affirm some of the information, based on your voluntary interview. Your name is Sean O'Rourke, Star 2214, and your date of birth is [redacted]. Is that correct?

OFFICER O'ROURKE: Correct.

SERGEANT TORRES: You entered the Department at approximately [redacted]?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: At the time of the incident, you had approximately two years at Mission Station?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: And at the time, you were working swings at Mission Station, 16 to 02?

OFFICER O'ROURKE: No, sir. At the time, I was working midnights.

SERGEANT TORRES: Midnights? Okay.

OFFICER O'ROURKE: 21 to 07.

SERGEANT TORRES: Thanks for that

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clarification. At the time of the incident, you were wearing your Class B uniform?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: And at the time of the incident, your partner that night was Officer Mike [Row-chi]?

OFFICER O'ROURKE: [Rot-chi], yes, sir.

SERGEANT TORRES: Rotschi, thank you. And your unit that night was 3 David 14 Edward, if you recall?

OFFICER O'ROURKE: I believe it was the 14 Edward, yes, sir.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: We're normally the 4-car, so.

SERGEANT TORRES: Okay. And that night, you were carrying your issued Sig 226?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Did you utilize an ERIW that night?

OFFICER O'ROURKE: I did not.

SERGEANT TORRES: How about a rifle?

OFFICER O'ROURKE: I got the rifle out of the car initially, but I didn't utilize it.

SERGEANT TORRES: Okay. And you guys were

driving vehicle 124?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: And is that a caged unit?

OFFICER O'ROURKE: Yes.

SERGEANT TORRES: Okay. And you were the passenger that night?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Okay. Now, prior to the night of the incident, Officer O'Rourke, when was the last time you qualified with your handgun?

OFFICER O'ROURKE: My normal qualification date is December, and I think I did it in February, because I actually broke my hand in December, my right hand.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: So, it pushed it back, and then there was a problem with the range, and they had to push it back again. But I had maybe, like a week or two before that, I had just qualified again.

SERGEANT TORRES: Okay. And there's provisions in the General Order for such things, but at soon as you were able to, you qualified?

OFFICER O'ROURKE: Uh-huh, yeah. I went to the Airport range and got it all taken care of.

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SERGEANT TORRES: Thank you. Do you have any prior law enforcement experience?

OFFICER O'ROURKE: No prior law enforcement.

[redacted]

SERGEANT TORRES: Are you currently under the care of a doctor for any illness or injury?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: Are you currently taking any prescribed or over-the-counter drugs or medication?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: The night of the incident, prior to reporting for work, had you had a normal sleep cycle, whatever that time is?

OFFICER O'ROURKE: Normal for midnights. Yes, sir. So, I've gotten…if that was my Monday, so normally, my Mondays, I sleep-in pretty well.

SERGEANT TORRES: Okay. And so, a normal sleep cycle would be how many hours for you?

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OFFICER O'ROURKE: Seven, six to eight; seven usually average.

SERGEANT TORRES: Okay. And prior to the start of your shift, had you eaten something? In the normal course of your duties or course of your work day, had you eaten prior to that?

OFFICER O'ROURKE: Yes, sir. I ate before I came on.

SERGEANT TORRES: Officer O'Rourke, do you wear corrective lenses?

OFFICER O'ROURKE: No.

SERGEANT TORRES: The night of the incident, had you taken any medication, whether over-the-counter or prescribed?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: On the night of the incident, had you consumed alcohol or taken any controlled substances?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: Your equipment that night, you had your radio with you?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: You had your firearm. I would assume it was fully loaded?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: And how many rounds would that be?

OFFICER O'ROURKE: Twelve in the mag, one in the chamber, so thirteen.

SERGEANT TORRES: Okay. And you had your two extra Department issued magazines?

OFFICER O'ROURKE: I carry three extra, but they're all Department issued. Yes, sir.

SERGEANT TORRES: Okay. So, your total for the extra mags would be 36 rounds?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Okay. And you had your Department issued handcuffs?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Any other restraints?

OFFICER O'ROURKE: I just carry Flex-cuffs in my [SAT] pocket.

SERGEANT TORRES: Were you issued a hobble?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Do you normally carry the hobble?

OFFICER O'ROURKE: I do. It's in my left [SAT] pocket.

SERGEANT TORRES: Okay. How about what impact weapon do you carry?

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OFFICER O'ROURKE: I carry the wood stick, the short wood stick.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: I should say that at the time of the incident, I actually had left it in the car, I didn't have it on my person, but I have it, it's with me during the course of my duties.

SERGEANT TORRES: Okay. The night of the incident, did you have your pepper spray on you?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Have you been issued a medic bag, a medic pouch? Anything from the Department regarding…?

OFFICER O'ROURKE: We keep the First-aid, the Department issued First-aid kit in the trunk, and then I also carry my own medical equipment on my person.

SERGEANT TORRES: Okay. Are you aware of, or do you know if your Department issued firearm has any modifications?

OFFICER O'ROURKE: None.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: Not at the time.

SERGEANT TORRES: Do you carry a personal or secondary firearm while on-duty?

OFFICER O'ROURKE: I do normally, but I didn't have it on me that night. I am qualified in that too, though.

SERGEANT TORRES: Okay. Officer O'Rourke, can you tell me what the firearm is?

OFFICER O'ROURKE: The secondary one?

SERGEANT TORRES: Yes, the secondary.

OFFICER O'ROURKE: It's a Smith & Wesson snub nose, like a five-shot .38. I can't remember the exact model number.

SERGEANT TORRES: That's fine, thank you. But you were not carrying it that night?

OFFICER O'ROURKE: No, sir. I forgot it in my locker at home.

SERGEANT TORRES: Okay. So, Officer O'Rourke, in your own words, can you tell me why we're here today?

OFFICER O'ROURKE: We're here regarding the officer-involved shooting on Capp Street.

SERGEANT TORRES: Okay. And can you briefly summarize the incident that night, and what you did, and what you saw?

OFFICER O'ROURKE: Where would you like me to start, sir? Just right at the call?

SERGEANT TORRES: Sure.

OFFICER O'ROURKE: Okay. My partner and I were at 16th and South Van Ness, where we had taken on a suspicious person riding a bicycle down the street, I think. At the time, I thought he had stolen an Xbox or something, so we stopped him and we were dealing with him. That's when we heard the call broadcast. I can't remember the unit, but it was Officer Cassinelli and Tupper, I think. They put out that they had been flagged down regarding a robbery, and that the person, the victim, stated that the person was armed with a gun.

I think that was at 19th and Capp, so my partner and I, Mike Rotschi, jumped back in the car and jammed it down there. En route we heard that they had stopped the suspect vehicle and there were multiple other units on the scene. I think we were maybe the second, or third, or fourth unit; we were one of the earlier people there. They had the vehicle stopped and they were issuing commands, so we got out of car and took up a position to assist.

SERGEANT TORRES: Okay. And then what happened?

OFFICER O'ROURKE: So, when we pulled up, I think we were like the third car back, and the suspect vehicle, which was a black sedan, a two-

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door sedan, was, I think, mid-block on 21st and Capp, and it was facing southwest on the west side of the sidewalk near some parked vehicles, kind of nosed in. There were multiple other units on the…as I'm looking at it, the left-hand side, so we moved up, took a position on the right, covering the vehicle. My partner…I am rifle trained now, but I wasn't at the time, my partner, when he got out, left it in there, so I grabbed it. My prior military experience, I'm very familiar with the AR platform, so I initially had got it out. Then I realized that things were probably going to go bad, and so, I had the presence of mind to hand that off to him, because I didn't want to be out of Department policy.

So, we knew there was a suspect in the trunk. There was a driver, and I can't remember, I think I said this in my Homicide interview, my mind gets a little fuzzy about whether or not I was aware of the female in the back seat. I want to say I was, but that's the one detail I still can't, I'm not 100-percent sure of.

SERGEANT TORRES: Sure.

OFFICER O'ROURKE: Commands were given, the driver exited. Additional commands were given, and

the suspect in the trunk was not compliant.

SERGEANT TORRES: And then, please continue.

OFFICER O'ROURKE: So, we were…the vehicle is basically here, multiple other police units in the middle of the street, and then we were on the sidewalk, on the west side. I had a view of the trunk and I could see the suspect the whole time. He was on his back with his head facing to the east. I could clearly see his right hand the entire time, and you couldn't see his left hand, and he would, several times while we were giving him commands in English and in Spanish, he made as if he were getting ready to roll hard. Like he was gearing himself up to, and you could see him roll, and then we would all…it was kind of surreal. Everybody kind of knew that it was bad because everybody was saying, "No, no, no. Stop, stop, stop," and then he'd roll back like he was psyching himself up to do it.

And then somebody…I even gave him commands in the little Spanish that I know, [SPANISH], you know, "Show us your hands. Put your hands up," and then Officer Banegas was giving commands over the PA in Spanish. Someone deployed a less-lethal. I

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think that was, I can't remember off the top of my head who it was, but someone hit him with the ERIW. We all said red light, red light, they hit him with the ERIW, and then, maybe a few seconds after that, he finally rolled up hard. He yelled something at us, I can't remember what it was, but he yelled something at us, and then I saw his hand come up, and he fired. I thought it was two or three shots. I guess maybe it was one. I'm not sure how many, but he fired at us.

SERGEANT TORRES: Okay. And then, what did you do?

OFFICER O'ROURKE: So, I saw his hand come up. I saw him shoot at us, and I was sure he was trying to kill either me or one of the other police officers. It was very clear that we were cops. It was very clear that he was trying to kill one of us, so I returned fire with my Department handgun.

SERGEANT TORRES: Okay. All right. Did you have your BWC on your person?

OFFICER O'ROURKE: I did, sir.

SERGEANT TORRES: And when did you turn on your BWC?

OFFICER O'ROURKE: I believe it was rolling, the 30-second buffer, and then I activated it

probably right after I got out of the car.

SERGEANT TORRES: Why did you draw your firearm, and or the rifle?

OFFICER O'ROURKE: The call for service was a robbery with a handgun. So, you answer with the same level of force or greater, and a handgun or a firearm necessitates using a firearm.

SERGEANT TORRES: Where were you positioned?

OFFICER O'ROURKE: So, I was on the west side of the sidewalk, probably 20 to 25 feet, somewhere in there. Like a good car's length, maybe a car-and-a-half away from the suspect, on the west sidewalk, looking southeast at the suspect in the trunk. I was behind a silver hatchback or crossover-kind of SUV-ish thing.

SERGEANT TORRES: So, you were behind cover?

OFFICER O'ROURKE: I was behind a window, so as good a cover as that is.

SERGEANT TORRES: Okay. Did you ever at any time, break cover for any reason?

OFFICER O'ROURKE: No. I stayed behind the car the whole time.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: I broke cover after shots were fired.

SERGEANT TORRES: Understood. I think you answered this. You heard the suspect say something, but you couldn't understand what it was?

OFFICER O'ROURKE: Right. Almost simultaneously, after we deployed less-lethal, when he was rolling up hard, I think he yelled something out at us. I remember it was loud, but I couldn't distinguish what it was. I think it was English, I'm not sure.

SERGEANT TORRES: Got you, okay. And you fired your weapon?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: And why did you start firing?

OFFICER O'ROURKE: I saw his hand come up. I saw the gun in his hand and I could clearly hear and see the gun fire at us.

SERGEANT TORRES: Tell me what was going through your mind at that point.

OFFICER O'ROURKE: I was pretty scared. I was pretty scared the whole time. Like I said, the whole thing was very...we've done a lot of felony stops and that was the first one where it was

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evident that things were going to go bad, because people give up or they don't. And if they don't, it's going to be bad, so I had a really bad feeling about it.

SERGEANT TORRES: When you fired, did you acquire a sight picture or were you point shooting?

OFFICER O'ROURKE: I know for the first shot I had a sight picture, and then after that, I was doing the index shooting.

SERGEANT TORRES: Okay. Were you using both hands?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Do you know how many rounds you fired?

OFFICER O'ROURKE: Thirteen.

SERGEANT TORRES: How do you know that?

OFFICER O'ROURKE: I had the slide locked back to the rear.

SERGEANT TORRES: Okay. Is that why you stopped firing?

OFFICER O'ROURKE: That and I think that you're never sure how many people are going to fire. So, it's kind of like I didn't know if I was going to be the only one or what, but it seemed like after, right when that happened, it seemed

like the threat was over too. So, that's why I did a reload and I didn't fire again, because I could see the threat was over.

SERGEANT TORRES: Okay. So, what were you shooting at?

OFFICER O'ROURKE: I was shooting at the suspect in the back of the trunk.

SERGEANT TORRES: Do you recall knowing what your backdrop was?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: And what was the backdrop?

OFFICER O'ROURKE: It's like I was saying, it was kind of kitty-corner to me. Across the street, there's a whole other line of cars, and then there was some houses, like the brick wall, concrete homes on the far side, and it looked like garage doors or stairs or anything.

SERGEANT TORRES: Okay. And there was nobody in your backdrop?

OFFICER O'ROURKE: There were two gentlemen that I was aware of. They were initially, when we got on-scene, they were on the west side, and then somehow, they crossed to the other side. But I know that they were pretty far down, and regarding like

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field of fire, they were outside of my field of fire. They were far, far down, because I was firing at an angle, not straight down the street.

SERGEANT TORRES: Okay. And you notified a supervisor of your discharge?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Who was that?

OFFICER O'ROURKE: Sergeant Shugars.

SERGEANT TORRES: Did you recognize the suspect in the trunk?

OFFICER O'ROURKE: No.

SERGEANT TORRES: How about the driver or passenger?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: Did you see the driver being taken into custody?

OFFICER O'ROURKE: I did.

SERGEANT TORRES: So, you know where he was placed?

OFFICER O'ROURKE: He was given commands to come back. Someone took him into custody, handcuffed him, and then took him to a radio car behind me.

SERGEANT TORRES: Do you know if there was anybody watching him while he was in the radio car?

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OFFICER O'ROURKE: I don't, sir.

SERGEANT TORRES: Okay. Did you hear the driver say anything?

OFFICER O'ROURKE: I did. It was unintelligible, kind of. He was yelling and just kind of going crazy. I didn't hear exactly what he was saying.

SERGEANT TORRES: Okay. I think you said this, but I just want to clarify. Did you see the female in the rear of the passenger compartment prior to the shooting?

OFFICER O'ROURKE: I don't remember.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: I remember…that's why I said it kind of gets fuzzy. I don't remember if somebody said there was a female in the back or if I saw there was a female in the back. My focus, 100-percent, was on the suspect in the trunk.

SERGEANT TORRES: Got you.

OFFICER O'ROURKE: So, it kind of, I want to say tunnel vision, but tunnel vision.

SERGEANT TORRES: Okay. Did you hear anybody say anything about the female in the rear of the vehicle?

OFFICER O'ROURKE: I believe so, but I'm not

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100-percent sure. I'm pretty sure it came out over the radio, but a lot was going on.

SERGEANT TORRES: Okay. Did you receive any direction from anyone? Any orders?

OFFICER O'ROURKE: Prior to? No, sir.

SERGEANT TORRES: Okay. Did you discuss a plan of action with anybody?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: Do you know if anybody was discussing any plan of action?

OFFICER O'ROURKE: I know that we were kind of doing a felony stop plus, on the vehicle, and then I heard people calling out for a Spanish-speaking officer. That's why Officer Banegas got on there, because they thought, "Hey, maybe he speaks Spanish." So, I heard commands in English, then I heard Officer Banegas like very loud, monotone, giving commands in Spanish. I know there was at least an arrest team for the driver, but I don't know if they had an arrest team for the other suspect. Then I know that they were going to deploy ERIW, that was very clear as well. So, it seemed like they were covering all the bases away from me, to the left.

SERGEANT TORRES: Okay. So, do you know who

was in charge at that time?

OFFICER O'ROURKE: I believe Sergeant Caldera was on-scene.

SERGEANT TORRES: And you think he was on-scene at the time of the shooting?

OFFICER O'ROURKE: I know he was on-scene. He was right at the primary vehicle, I think.

SERGEANT TORRES: Do you think, in your opinion, any other forms of force options were available to you?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: Not to me, and we used the less-lethal, so.

SERGEANT TORRES: So, the force options that we have available to us, can you just real quick, go through those and tell me why they would, if they were reasonable, and if they aren't, why weren't they?

OFFICER O'ROURKE: Verbal persuasion, we were using that [unintelligible] the loudspeaker. Physical control, I mean, after things are safe, not when he's still armed with a handgun. Same thing for OC and baton, you're not going to go up and like pepper spray or anything like that for a

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suspect in the trunk with a gun. Less-lethal, we know we used that. We had given him a lot of time and distance and given him a lot of time and commands to give up.

SERGEANT TORRES: Okay. From the time you arrived on-scene until shots were fired, how long of a timeframe did you perceive it at that time?

OFFICER O'ROURKE: At the time, it seemed pretty short, like maybe a couple of minutes. Looking back, I think maybe it was like three or four minutes, so it was pretty short.

SERGEANT TORRES: Okay. Did you guys see any officers who weren't behind cover?

OFFICER O'ROURKE: No, but my field of view was also limited, being on the far end and behind a vehicle.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: I know when we came up on scene, there were people. Before I moved off, there were people kind of people milling around.

SERGEANT TORRES: Did you mute your BWC?

OFFICER O'ROURKE: I muted it much later.

SERGEANT TORRES: Okay. Why, why did you mute it?

OFFICER O'ROURKE: I had been escorted away

from the scene. We had did some other stuff after shots were fired and getting the female out, but I was moved away from the scene, and I didn't feel like there was anything of evidentiary value going on, and I wasn't really sure what we were supposed to be doing. It seemed to be there was some confusion over that, but I was just sitting by myself.

SERGEANT TORRES: Okay. Did you have a conversation with anyone while it was muted?

OFFICER O'ROURKE: Sergeant Shugars.

SERGEANT TORRES: And what was discussed?

OFFICER O'ROURKE: My Public Safety statement and that was it.

SERGEANT TORRES: He took your Public Safety statement at that time?

OFFICER O'ROURKE: He did, and then later on at the company, I feel like I gave it five or six more times to different people.

SERGEANT TORRES: Okay. When did you turn off your body camera?

OFFICER O'ROURKE: I turned it off, right when I was getting ready to sit down on a set of stairs. I sat there maybe a couple of minutes, and then Lieutenant Banta called us all in together,

and then I turned it back on, because he made it very clear that we needed to turn and keep them on.

SERGEANT TORRES: And you were separated and monitored?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Who monitored you?

OFFICER O'ROURKE: Sergeant Shugars.

SERGEANT TORRES: Okay. Have you been in prior critical incidents?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Did you suffer any injuries as a result of this incident?

OFFICER O'ROURKE: No, sir.

SERGEANT TORRES: Has this incident impacted you in ways regarding loss of sleep, appetite, anything like that?

OFFICER O'ROURKE: No.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: We did our BSU debrief and that was really good.

SERGEANT TORRES: Okay. So, you're aware of the Department resources like Behavioral Science Unit and the Employee Assistance Program?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: And you pulled off your

BWC and put it back on?

OFFICER O'ROURKE: Yes.

SERGEANT TORRES: Okay.

OFFICER O'ROURKE: So, for that, we were going to go render aid to the suspect.

SERGEANT TORRES: Yeah.

OFFICER O'ROURKE: And we didn't know what his status was, so they were calling for shields.

SERGEANT TORRES: Yeah.

OFFICER O'ROURKE: I keep a heavy vest in my trunk, so I went and threw that on. I actually have an extra plate that's on my heavy vest, so I took my camera off, put it back on, and I think I accidentally put it on upside-down. But I've had a critical incident before, where I threw my heavy vest on and now it's blocking everything. So, I actually take it off and put it back on.

SERGEANT TORRES: Okay. Anything, John?

SERGEANT CRUDO: Yeah, a couple, couple of things. We can just kind of go in order, just a quick couple of things to clarify a little bit. So, we're going to go in the order that Sergeant Torres kind of asked you questions and kind of clarify for myself. So, you've got, and you're wearing now the magazine holder.

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OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: That's the one you were wearing that night?

OFFICER O'ROURKE: Yes, sir.

SERGEANT CRUDO: Okay. You've got three magazines; the typical issued one has two magazines.

OFFICER O'ROURKE: Yes, sir.

SERGEANT CRUDO: So, that holder was issued to you by the range?

OFFICER O'ROURKE: This one?

SERGEANT CRUDO: Yeah.

OFFICER O'ROURKE: No, it wasn't, it's mine.

SERGEANT CRUDO: Okay. And then you got a third magazine from the range?

OFFICER O'ROURKE: All from the range.

SERGEANT CRUDO: Okay. And at that time, you notified them you were carrying three magazines on your belt?

OFFICER O'ROURKE: They seized all of them, yeah.

SERGEANT CRUDO: Okay. And you asked this...okay. I may have missed this. You may have answered this and I apologize if you did already, but warnings. Prior to weapons being fired, did you

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issue or did you hear any warnings issued?

OFFICER O'ROURKE: Yes, sir.

SERGEANT CRUDO: Okay. Do you remember what those warnings were?

OFFICER O'ROURKE: I know initially, someone was giving commands in English. They gave multiple commands, "Show us your hands. Come out, show us your hands," and then Officer Banegas came on and she was giving commands in Spanish. My Spanish isn't great. And then, I know at least one point, I yelled in my limited Spanish to show us your hands, like [SPANISH]. I yelled that in Spanish as well, so multiple commands were given.

SERGEANT CRUDO: So, commands were giving, but a warning would be a command with a consequence.

OFFICER O'ROURKE: I don't remember that, sir.

SERGEANT CRUDO: Okay. You remember the commands specifically, don't remember if a consequence as added to it?

OFFICER O'ROURKE: I couldn't tell you what they were saying in Spanish.

SERGEANT CRUDO: Okay. Fair enough, okay.

SERGEANT TORRES: I did miss that. Thank

you, John.

SERGEANT CRUDO: And then, [you want to think], you answered affirmatively that you had been involved in critical incidents before, and then you subsequently mentioned that you were in one where you had to wear the heavy plate. That's where you learned about moving the camera upfront.

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: And there is another question I want to ask. What kind of incidents do you recall, the type of incidents that you were in?

OFFICER O'ROURKE: Yes, sir. One of them was a barricaded suspect in the Ingleside; I can't remember exactly where that was at. Another one where I was intimately involved, and I wrote the initial, was a barricaded suspect armed with a handgun, who also had priors for possession of explosive material. That was on Valencia between 16th and 17th, and I was one of the first ones on-scene that day, and I had my heavy vest and I used it then. Another one deployed with was a roommate threatening another roommate with a handgun. It was maybe a year ago on 19th Street, and we recovered a handgun from that one too. On that one, I put my heavy vest and my helmet on.

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SERGEANT CRUDO: Okay. And I see you're wearing the crossed rifles above your right breast, so you are a specialist?

OFFICER O'ROURKE: I was. I just got specialist, done with it two weeks ago.

SERGEANT CRUDO: Congratulations.

OFFICER O'ROURKE: Thank you, sir.

SERGEANT CRUDO: That's great. Okay. So, it wasn't responding to any of these things as a specialist, it's just sort of in your patrol functions.

OFFICER O'ROURKE: Patrol, yes, sir.

SERGEANT CRUDO: Okay. And going back, and I know I missed it too. I'm going to ask you a couple of little follow-up things, and this is important to me. So, you talked about like arriving on-scene maybe third—second, third, fourth vehicle there. You move up to the primary vehicle. You're on the west side, I think you said.

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: And you take a position. You're behind a position of cover most of the time, you're watching stuff. You talked about, you kind of did a good job of walking us through this, but there's a couple of things I want to touch on. In

one you said at some point you handed off the rifle that you had taken out.

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: You handed it off to your partner. You realized, "Hey, you know what," even though you have great familiarity in training with the weapon, not through the Department.

OFFICER O'ROURKE: Right.

SERGEANT CRUDO: So, you handed it off to your partner. You said one of the reasons, you said you realized things were going to go bad. I want to touch on that with you. What was it that made you, at this moment, prior to shots being fired, made you realize that things were going to go bad?

OFFICER O'ROURKE: So, I think at this point, we had given him probably four or five commands, and numerous times, I could just see the suspect laying there. You could see his right hand and it was like he knew that we knew that he had something in his left hand. Like we all knew what was there, and it seemed to me that every time he would roll, we'd yell at him, and it was almost like...it's like when you're watching somebody fall, and your first reaction, as they're starting to fall is to go, "No, no, no, no, no." Right? Like

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you're trying to will them not to do it, and the whole time it seemed like he was psyching himself up to try and shoot at us. Like we all knew that he knew it, we knew that he was going to shoot at us, and that he was just trying to build up the courage to do it. And that's when I was like, "This is not good. This is not a normal felony stop where the guy just knows he's going to get cited out from 850. He knows something bad is going to happen, and he's trying to…" it's like ball is in his court and he's making the decision, so it made me really nervous.

SERGEANT CRUDO: And I just want to touch on it. You said it a couple of times, "We, we, we." Is that your specific impression?

OFFICER O'ROURKE: My impression.

SERGEANT CRUDO: Okay. So, really, you could, if I were to listen to that again.

OFFICER O'ROURKE: I.

SERGEANT CRUDO: It would have been replaced it with I, would it be that?

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: Okay.

OFFICER O'ROURKE: I could say I had a really, really bad feeling.

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SERGEANT CRUDO: Okay. And then, and you started touching on this. You talked about his head to the east, so away from you, from your position. Right?

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: The right hand visible, left hand not visible. You said kind of, it started moving.

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: And you talked about, and I want to get into this, talked about one of the things that you really talked about was rolling hard; you said that again. So, can you kind of elaborate on it? You started to right there, can you elaborate on the concerns with that?

OFFICER O'ROURKE: He was in the trunk, where this is like his head.

SERGEANT TORRES: So, we're on audio.

OFFICER O'ROURKE: Okay. So, you can see his body like in profile, and he would keep, like if this was his gun hand, he didn't have it exposed, and he kept rolling a little bit. Like he would roll like he was going to either step out, but if you're going to step out, you're going to just step out of the car. He would roll like he was going to

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roll and punch out with his hand. And every time he would do that, we would say no. A normal person, if they're in a car, when you tell them…like even if I was laying down in a trunk, if I was being stopped by the police and they said, "Come out of the trunk," I would put my hands up and just stand up out of it. To me, it looked like he was going to roll and roll his shoulder out with a handgun.

SERGEANT CRUDO: Okay. So, basically, the concern was that he was going to produce a weapon from that movement?

OFFICER O'ROURKE: Yes. The movement wasn't to stand up. The movement was to produce a weapon.

SERGEANT CRUDO: Okay.

OFFICER O'ROURKE: A normal person just stands up, they don't you know.

SERGEANT CRUDO: And again, you've said it, I believe, in here that he had been given orders to show his hands?

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: Okay.

SERGEANT TORRES: Don, do you have any?

POA ATTY NOBLES: Real quick. And so, at that point, when you were saying that you had a feeling, you had this feeling that he was going to

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roll with the gun.

OFFICER O'ROURKE: Uh-huh.

POA ATTY NOBLES: Do you base that on your experience as an office, as a trained officer, [redacted], as to how people respond to directions?

OFFICER O'ROURKE: Yes.

POA ATTY NOBLES: And whether or not they're armed, or possibly armed, for your safety?

OFFICER O'ROURKE: Yes. And most of the time, you know, we've done a lot of felony stops, and people doing felony stops react either with bewilderment that they don't know what's going on or just that they know what's going on, and they just want to be super safe. So, unless they're, I don't know, I don't know how to explain it. Normal people just show you their hands, not do what he did.

POA ATTY NOBLES: And secondly, along those lines, were you on-scene when the driver of the vehicle got out of the vehicle and was directed? And did that go according to how you expect these kind of incidents to go?

OFFICER O'ROURKE: Yes, sir. The driver, I don't remember all of the commands, but it was very

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clear he did exactly…like he came back to the officers; they took him into custody. He was yelling a lot, but he was showing us he was doing the stuff you're supposed to do. That's kind of the normal felony stop, not what the guy in the trunk did.

POA ATTY NOBLES: All right. That's all I have.

SERGEANT CRUDO: One more question?

OFFICER O'ROURKE: Sure.

SERGEANT CRUDO: Sorry. And then there was, you talked about, in the course of talking about, Sergeant Torres asked you a couple of questions about like if you had received any direction, or if there was a plan of action, and anything like that prior. You said that this was a quote-unquote, "felony stop plus," and you described some of the things. You said that people were calling out orders in English and Spanish, that there had been an arrest team for the driver. You just talked about that again.

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: ERIW had been deployed, things like that. You also talked about you tried to, you, plural, your observation of what other

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folks did, as well as what you, yourself did. You were talking about that time and distance efforts were made to create time and distance.

OFFICER O'ROURKE: Uh-huh.

SERGEANT CRUDO: As you described this event, you described the suspect several times, making this rolling movement. Your sense of, "No, no, no, no, no," trying to will him to stop and become compliant. When shots were fired, and you can only speak to your frame of mind, perception. So, when shots were fired, you said that you saw the handgun come out. You heard the report, you realized that he was firing and he fired, you believed, two or three rounds before you returned fire. Is that correct?

OFFICER O'ROURKE: Yes, sir.

SERGEANT CRUDO: So, in firing, were you firing to the threat of being fired at? I mean, in other words, was it the furtive movement that you described as rolling over, or were you firing at that point, because you were being fired upon?

OFFICER O'ROURKE: At that point, when I say I returned fire, because I was 100-percent certain that he was shooting directly at one of us. I don't know if he had a person picked out, but I know that

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the was trying to kill a police officer, kill me, kill one of us, and that's why I know that he fired a gun at us and was trying to kill us.

SERGEANT CRUDO: Okay. And then so, did any of your [calculus] have anything to do with time? Like had you reached the end of your time that you were going to allow him to hold this out? Or had he rolled back into the trunk again and not produced a weapon, would you have continued to have enable him opportunities to submit?

OFFICER O'ROURKE: Absolutely. I mean if, I think I said it, the ball was in his court. I know he shot at us. If he hadn't had done that, if he had just given up, things…like I don't understand why he did what he did, because he had every opportunity to do so. Instead, he tried to kill one of us, and I don't know why he just didn't come out with his hands up. But if he had just not done that, no, if he hadn't shot at me first, shot at me or my fellow police officers first.

SERGEANT CRUDO: And in that time period, where things now have reached this peak level, you talked about in the interview, sort of a sense of time is happening kind of fast. You talked about some tunnel vision that you experienced. Were you

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aware of any other sort of physiological effects of the incident? I'm sure you've experienced them before [redacted] but I mean, anything like, did you notice an elevated heart rate? Did you notice heavy breathing? Did you notice…?

OFFICER O'ROURKE: Yes.

SERGEANT CRUDO: What? Can you, what did you notice? What were you aware of?

OFFICER O'ROURKE: Just prior to the exchange of gunfire, I was in a very steady state. I knew that there were people around me who had my rear, had my six, and I knew I had guys to my left and guys to my right. So, I felt my whole job was to stay focused on the threat, so I hesitate to say tunnel vision, because I was aware of other things. But my job, I thought, was to maintain eyes on the threat, because the unique position I was in, I couldn't see a lot of what was going on, but I was aware of everyone around me. After the exchange of gunfire, I reloaded my pistol, and then went through an exercise to lower my heart rate and control my breathing, where I took several, they call it the tactical breathing. Where it's like four seconds in, hold, four seconds out, so I was doing that to control my heart. Then my partner

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asked me like, "Hey, are you okay?" And I said, "Yeah, I'm fine," because you want to return to that baseline very quickly.

SERGEANT CRUDO: Okay.

SERGEANT TORRES: Okay. Officer O'Rourke, is there any other information relevant to this incident that I haven't asked you about that you believe I should know, and that may aid me in my administrative investigation?

OFFICER O'ROURKE: No, sir. I think I told you everything.

SERGEANT TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone other than your representative. Do you understand?

OFFICER O'ROURKE: Yes, sir.

SERGEANT TORRES: Okay. At this time, that concludes the interview. The time is 11:47.

END OF DOCUMENT

SFDPA - 0097-18 - 000611

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

www.sfgov.org/dpa
t: 415-241-7711
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f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	BAYVIEW STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Thursday, March 28, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER COLBY SMETS #253	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/12/2019 at 3:30 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

San Francisco Department of Police Accountability

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Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

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Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18
Incident Report or Citation No.		
[redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Colby Smets #253	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SERGEANT CRUDO: Ready to go.

SERGEANT TORRES: All right. Okay. This interview is regarding OIS Case [redacted]. This interview is taking place at the Office of Internal Affairs Division on May 17th, 2018. The time is currently 1344 hours. Conducting this interview is Sergeant Pilar Torres, Star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is, please state and spell your name, Officer Smets.

OFFICER SMETS: Officer Colby Smets, C-o-l-b-y, S-m-e-t-s.

SERGEANT TORRES: Star 253. You are the named member in this matter.

OFFICER SMETS: Yes.

SERGEANT TORRES: Representing Officer Smets.

ATTORNEY BRASS: Tony Brass of 3223 Webster Street, San Francisco, 94123.

SERGEANT TORRES: Also present from the Internal Affairs Division is…

SERGEANT CRUDO: Sergeant John Crudo, Star number 1694.

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SERGEANT TORRES: And no one else is present. Officer Smets, have you read the MCD report that I forwarded to you regarding this interview? The form that you acknowledged?

SERGEANT CRUDO: IAD, Internal Affairs.

SERGEANT TORRES: I'm sorry, the IAD?

OFFICER SMETS: I did not.

SERGEANT TORRES: So, I sent you a form regarding the allegations.

OFFICER SMETS: No.

SERGEANT TORRES: It was a form you would have signed and notifying you of this?

OFFICER SMETS: Yes.

SERGEANT TORRES: Interview?

OFFICER SMETS: Yes.

SERGEANT TORRES: You read that?

OFFICER SMETS: I did that.

SERGEANT TORRES: Okay.

OFFICER SMETS: I signed something.

SERGEANT TORRES: Okay. Do you understand what that is? Why we're here?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay.

OFFICER SMETS: Okay.

SERGEANT TORRES: Have you read and do you

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understand General Order 2.08 and Government Code 3303, it basically covers the POBAR, Peace Officers Bill of Rights?

OFFICER SMETS: Yes.

SERGEANT TORRES: And are you familiar with General Order 2.01 Rule 21 and Rule 49? And if you're not, I have them here for you to take a look at. Basically, Rule 21 governs your cooperation.

OFFICER SMETS: Yes.

SERGEANT TORRES: Regarding this investigation, and 49 covers confidentiality. This is a confidential investigation.

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. I have all this reference material, if everything I just asked you, if you're not clear or certain of everything, we can certainly take a break, and if you have any questions, you know, I don't want you to feel like you're rushing into this and you're not sure of what's going on.

OFFICER SMETS: I'm good.

SERGEANT TORRES: Okay.

OFFICER SMETS: Cool.

SERGEANT TORRES: Because this is a confidential investigation, you are ordered not to

speak about this interview to anyone besides your counsel. Do you understand that?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. Do you understand that this interview is being recorded?

OFFICER SMETS: Yes.

SERGEANT TORRES: Officer Smets, because there may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand these rights I've explained to you?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. With these rights in mind, would you like to speak to me now?

OFFICER SMETS: No.

SERGEANT TORRES: While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I

am, therefore, ordering you, on behalf of the Chief of Police, to answer my questions in this administrative investigation.

If you refuse to answer my questions, your silence can be deemed insubordination, and result in administrative discipline including and up to termination of employment. Any statement you make under the threat of such discipline, will be used for administrative purposes only, and cannot be used against you criminally, unless you choose to testify in such a criminal case. Your statements and information you provide will be held confidential, consistent with the California Constitution, Article I, section 1, and the San Francisco City Charter and Administrative Code, and will not be divulged except as required by law. Do you understand this order?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. Officer Smets, will you answer my questions as ordered, at this time?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. Officer Smets, as you know, I monitored your interview with Homicide and provided the transcripts from or the interview conducted on March 8th. Have you had the

opportunity to review those transcripts?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. It is not uncommon after a life-threatening encounter, as the body works through the natural release of adrenaline and other physiological reactions, that additional things are remembered, or memories or perceptions become clearer. Having reviewed your interview, is there anything that was not covered in the interview that you would like to add to the record at this time or anything that you'd like to clarify?

OFFICER SMETS: No.

SERGEANT TORRES: Okay. Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. So, before we get into the heart of the interview, I just want to reaffirm some information you gave to the Homicide investigators regarding your interview. Your name is Colby Smets.

OFFICER SMETS: Yes.

SERGEANT TORRES: Star 253?

OFFICER SMETS: Yes.

SERGEANT TORRES: Date of birth of [redacted] of [redacted]?

OFFICER SMETS: Yes.

SERGEANT TORRES: You entered the Department approximately [redacted] [redacted]?

OFFICER SMETS: Yes.

SERGEANT TORRES: [redacted]. Okay. At the time of the incident, you were at Mission Station for approximately a year?

OFFICER SMETS: Yes.

SERGEANT TORRES: At the time of this incident, you were working swings, 16 to 02?

OFFICER SMETS: Yes.

SERGEANT TORRES: At the time of this incident, you were wearing your Class B uniform?

OFFICER SMETS: I was.

SERGEANT TORRES: Okay. And your partner that night was a spec that went out on a call-out in the Taraval?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. But your call sign was 3 David 13 David?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. At the time, you

were carrying a Department issued 226?

OFFICER SMETS: Yes.

SERGEANT TORRES: You didn't deploy an ERIW?

OFFICER SMETS: I did not.

SERGEANT TORRES: And you did not deploy a rifle?

OFFICER SMETS: No.

SERGEANT TORRES: And the vehicle you jumped into to respond to the 200 block of Capp Street was in 3 David 14 David's vehicle?

OFFICER SMETS: Yes.

SERGEANT TORRES: And you don't happen to know the number to that vehicle, do you?

OFFICER SMETS: I just reviewed the camera and it's got the [bar slab], so that means it's a Taurus, that's all I got.

SERGEANT TORRES: That's fine.

OFFICER SMETS: I don't know the vehicle number.

SERGEANT TORRES: Okay. That's fine, thank you. And you were the passenger of that vehicle. Correct?

OFFICER SMETS: Right, rear in that vehicle.

SERGEANT TORRES: Prior to the night of the incident, when was the last time you qualified with your handgun?

OFFICER SMETS: It would have been…

SERGEANT TORRES: Your qual month is February and August. Is that correct?

OFFICER SMETS: Yes. It would have been August—or February.

SERGEANT TORRES: February, yeah. Okay. And you did respond in February?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. Officer Smets, do you have any previous law enforcement experience?

OFFICER SMETS: No.

SERGEANT TORRES: [redacted]

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[redacted]

SERGEANT TORRES: Are you currently under the care of a doctor for any injury or illness?

OFFICER SMETS: No.

SERGEANT TORRES: Are you currently taking any prescribed or over-the-counter medication?

OFFICER SMETS: No.

SERGEANT TORRES: The night of the incident, prior to responding to work, did you have a regular sleep cycle?

OFFICER SMETS: Yes.

SERGEANT TORRES: And approximately how many hours would that be?

OFFICER SMETS: Seven to eight.

SERGEANT TORRES: Prior to the start of your shift, the night of the incident, did you eat prior to responding to work? Is that in the normal

course of your activities?

OFFICER SMETS: Yes.

SERGEANT TORRES: Do you normally eat before you go to work?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. Officer Smets, do you wear corrective lenses?

OFFICER SMETS: Do not.

SERGEANT TORRES: Okay. The night of the incident, had you taken any medications?

OFFICER SMETS: No.

SERGEANT TORRES: The night of the incident, had you consumed any alcohol or other controlled substances?

OFFICER SMETS: No.

SERGEANT TORRES: The equipment that you had that night, Officer Smets, did you have your radio?

OFFICER SMETS: Yes.

SERGEANT TORRES: With regards to your weapon, was your handgun fully loaded?

OFFICER SMETS: Yes.

SERGEANT TORRES: And how many rounds would that be?

OFFICER SMETS: One in the chamber and 12

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in the magazine, which was inserted.

SERGEANT TORRES: Okay. And you carry?

OFFICER SMETS: Two extra magazines full of 12 rounds each.

SERGEANT TORRES: Thank you. Did you have your handcuffs?

OFFICER SMETS: Yes.

SERGEANT TORRES: Any other restraints?

OFFICER SMETS: I had a hobble in my pocket.

SERGEANT TORRES: Okay. Any impact weapons?

OFFICER SMETS: Just the Department issued baton.

SERGEANT TORRES: Wooden baton?

OFFICER SMETS: Wooden baton.

SERGEANT TORRES: Okay. How about pepper spray, were you carrying your pepper spray?

OFFICER SMETS: Yes.

SERGEANT TORRES: Officer Smets, which is your dominant hand?

OFFICER SMETS: Right hand.

SERGEANT TORRES: And do you shoot with your right hand?

OFFICER SMETS: For handguns.

SERGEANT TORRES: Handguns.

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SERGEANT CRUDO: Do you shoot left-handed for long guns?

OFFICER SMETS: Yes.

SERGEANT CRUDO: Okay.

OFFICER SMETS: Left eye dominant.

SERGEANT TORRES: Does your Department issued handgun have any modifications?

OFFICER SMETS: The gun I used had the issued butt plate that the range installed.

SERGEANT TORRES: Thank you. And that's just attached to the magazines?

OFFICER SMETS: Just the base plate and magazine; it's like a rubber plate.

SERGEANT TORRES: Okay. Officer Smets, do you carry a personal or secondary firearm?

OFFICER SMETS: I do not.

SERGEANT TORRES: On-duty or off?

OFFICER SMETS: Off-duty.

SERGEANT TORRES: Off-duty, what do you carry off?

OFFICER SMETS: I carry a Glock 43.

SERGEANT TORRES: And you didn't have it on your person that night?

OFFICER SMETS: I did not.

SERGEANT TORRES: Okay. Officer Smets, in

your words, tell me why we're here today.

OFFICER SMETS: Because you guys are conducting an Internal Affair interview over an officer-involved shooting that I was involved with.

SERGEANT TORRES: Specifically, March 6th?

OFFICER SMETS: Yes.

SERGEANT TORRES: Capp Street?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. I just wanted to make perfectly clear why I'm asking these questions, why we're here. Now, can you briefly summarize the incident for me?

OFFICER SMETS: Yes. So, I was in the station writing a report. My partner was not there, he was at a critical incident. I did not have a car. The call came over the radio that an officer got flagged down regarding a robbery with someone who had a gun. And then they were conducting a felony stop around 20th and Capp. I ran out of the station, got into the first vehicle I saw, which was the 3 David 14 David's car, and got in the back, right seat. It was a caged car, so I did not close it all the way; I sat in there. We drove to the scene, parked somewhere behind the first vehicle, the first police vehicle.

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I walked out, I put my gloves on. I was part of the arrest team. They called out the driver, he followed all the commands pretty much, complied. In front of our police vehicle, put him in handcuffs, myself and Officer Carroll, and then I escorted him to a police car behind the point vehicle. Did a quick search, pulled something out of his pocket, put it on top of the car, put him inside the car.

Went back to behind Officer Cassinelli, who was issuing commands to an individual in the trunk. Commands such as, "Let me see your hands. Stop reaching for things. Come out." I was at the low-ready for some time, at which point, another volley of, "Let me see your hands. Hey, hey, stop reaching," came out, and then I changed positions from behind Officer Cassinelli, to the left side of Officer Cassinelli. He was in-between the car and the door, by the A-pillar, and then I was at the end of the door, concealed by the door.

I pointed my gun out, directly at the person in the back, in the trunk. I observed him with his left-hand fidgeting and reaching behind his left leg. Several times he'd bring it back up, reach back behind his leg. We continued to yell in English, "Let me see your hands." I asked if

someone spoke Spanish, and then Officer Santana, next to me, started speaking Spanish, and then Officer Banegas got on the PA and started issuing orders in Spanish, that's when I stopped giving commands in English.

I saw Officer Santana grab an ERIW, I said we should back him. I saw him unload it, because it must not have been his ERIW. I saw him put a bean bag round in it, and then he called out, "Red light. Red light," and we all repeated that. He shot him once with the bean bag round in the right arm, chest area; observed it fly and hit him. Then at a certain point, he kept reaching. He made a movement with his left arm, [aggressive] motor movement, pushed the trunk further open, stuck his left arm toward us. He had something in his hand, then made a gunshot toward us. It made an audible retort and a visual flash. I determined it was a gun, so I fired back, every bullet that was in my handgun, and then I reloaded; I re-assessed.

We saw a female scream, or heard a female scream, saw her hands come up. She was in the back seat, so we could see her hands through the rear windshield. We then ordered her to come out. I assumed that she was struck by gunfire, because she

was behind the person that we shot. Which I didn't realize until after we shot and heard her. I then grabbed the shield from the back of the car that I was behind. I got next to Sergeant Perez and Sergeant Perez and I, with officers behind us, pushed up to the car.

I observed the guy critically injured, the guy in the trunk, and observed a firearm next to him, in-between him and the outside of the trunk—not outside the vehicle. Myself and Officer Carroll pulled him out of the trunk, handcuffed him, felt the pulse, no pulse, pulled him over. Officer Carroll began compressions while I checked for pulse. I administered an occlusive dressing on his right side. Medics came on-scene, took over medical aid.

Then I was instructed to go by a fence by [Officer] Caldera; all shooters go to the fence. Then I reported my use of force to Sergeant Perez, he took my Star number down.

SERGEANT TORRES: Okay. Did you have your BWC on your person?

OFFICER SMETS: Yes.

SERGEANT TORRES: When did you turn on your BWC?

OFFICER SMETS: I turned it on as soon as I put my gloves on.

SERGEANT TORRES: Okay. And I just want to be clear that when I say BWC.

OFFICER SMETS: Body worn camera.

SERGEANT TORRES: Correct, body worn camera. Thank you. Officer Smets, why did you draw your firearm?

OFFICER SMETS: We were conducting a felony stop on a vehicle that was known to be occupied by a person who may or may not have a gun; likely armed with a gun.

SERGEANT TORRES: And could you tell me again, where were you positioned?

OFFICER SMETS: I was positioned just behind the driver door, which was opened.

SERGEANT TORRES: Multiple cars there, so what car is this?

OFFICER SMETS: This is going to be the car closest to the felony vehicle.

SERGEANT TORRES: Okay. And this is where Officer Cassinelli was behind the A-pillar?

OFFICER SMETS: He was behind the A-pillar, yes.

SERGEANT TORRES: Were you behind cover?

OFFICER SMETS: I was.

SERGEANT TORRES: Okay. Did you happen to break cover, and if you did, why?

OFFICER SMETS: I would say I did not break cover, not grossly.

SERGEANT TORRES: Okay.

OFFICER SMETS: Except for in the beginning, when I placed the driver in handcuffs.

SERGEANT TORRES: Okay.

OFFICER SMETS: That was the only time I would say I was not under cover.

SERGEANT TORRES: Okay. Were you comfortable where that hands-on went with that…

OFFICER SMETS: Absolutely not.

SERGEANT TORRES: Okay.

OFFICER SMETS: It was my intention to put my hands on him and then pull him behind the vehicle to put him in handcuffs. But as soon as we went hands-on, he went to the knee, kind of forced us to put our handcuffs on right there.

SERGEANT TORRES: Okay. You can't control his actions.

OFFICER SMETS: No.

SERGEANT TORRES: But where it took place, are you comfortable with where it took place?

OFFICER SMETS: Where we handcuffed?

SERGEANT TORRES: Yes.

OFFICER SMETS: No, I was not.

SERGEANT TORRES: What would you rather have done or seen?

OFFICER SMETS: I would rather have...I think it was fine that we briefly broke cover to grab the guy, but I would have rather grabbed him and took him behind cover.

SERGEANT TORRES: Okay.

OFFICER SMETS: And ourselves.

SERGEANT TORRES: Okay.

OFFICER SMETS: And then handcuffed him and put him in the back of the car.

SERGEANT TORRES: Okay. Did you hear the suspect say anything prior to the shooting?

OFFICER SMETS: The guy in the trunk?

SERGEANT TORRES: Person in the trunk, yes.

OFFICER SMETS: No.

SERGEANT TORRES: Okay.

OFFICER SMETS: I did not hear him, but I could see his mouth moving.

SERGEANT TORRES: Okay. Did you fire your weapon?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. Why did you start firing your weapon?

OFFICER SMETS: I believed that I was getting shot at and I was in fear for my life and the life of my fellow officers.

SERGEANT TORRES: At that time, when you fired, what was going through your head, through your mind? What were you…?

OFFICER SMETS: I was scared. I thought I was going to get hurt.

SERGEANT TORRES: Did you fire using two hands?

OFFICER SMETS: Yes.

SERGEANT TORRES: Did you use your sights or was it point shooting?

OFFICER SMETS: I used my sights.

SERGEANT TORRES: Do you know how many rounds you fired?

OFFICER SMETS: Thirteen.

SERGEANT TORRES: Why do you know this?

OFFICER SMETS: Because there was one in the chamber and twelve in the magazine and my magazine went dry, and I reloaded. I did not actually count as I was shooting, it's just what I know because it's [unintelligible] gun.

SERGEANT TORRES: Right. That's fair enough. And why did you stop firing?

OFFICER SMETS: My weapon went dry. I reloaded it and I observed the person in the trunk to not be moving anymore.

SERGEANT TORRES: So, what were you specifically shooting at?

OFFICER SMETS: His chest.

SERGEANT TORRES: For what purpose?

OFFICER SMETS: To stop him from firing his gun at me.

SERGEANT TORRES: What was your backdrop, if you know?

OFFICER SMETS: So, there's row houses behind him and several vehicles, and there were pedestrians standing by, but we moved them off to the side.

SERGEANT TORRES: Okay.

OFFICER SMETS: And then, I did not know there was a female in the back.

SERGEANT TORRES: Okay. Did you notify a supervisor of your discharge? And you've already told me you had.

OFFICER SMETS: Yes.

SERGEANT TORRES: And it was Sergeant

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Shugars?

OFFICER SMETS: It was Sergeant Perez.

SERGEANT TORRES: Perez, you said Perez.

OFFICER SMETS: Yes.

SERGEANT TORRES: Sorry. Did you recognize the suspect in the trunk or the driver?

OFFICER SMETS: Looking back, the driver may have been somebody that I knew, but I have not done any research to confirm if he was or not.

SERGEANT TORRES: Okay.

OFFICER SMETS: So, maybe.

SERGEANT TORRES: Okay.

OFFICER SMETS: [redacted]

SERGEANT TORRES: So, at that time though?

OFFICER SMETS: [Inaudible], no. I did not immediately recognize anyone.

SERGEANT TORRES: Okay.

OFFICER SMETS: And I'd never seen the driver, or the trunk guy before.

SERGEANT TORRES: Okay. So, who placed the detained driver in the radio car?

OFFICER SMETS: I did.

SERGEANT TORRES: Did he say anything?

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OFFICER SMETS: He was doing the…I can't remember specifics. It was along the lines of, "Why are you touching me, man? Who are you? I didn't do anything."

SERGEANT TORRES: And you didn't ask him any questions?

OFFICER SMETS: No. I just said like, "Hang out. We'll be with you shortly," or whatever.

SERGEANT TORRES: Okay. Do you know who was watching this individual, the driver, who was in the back seat of a radio car now? Was anybody watching him?

OFFICER SMETS: I don't know.

SERGEANT TORRES: Did anyone tell you there was someone in the rear passenger compartment of the vehicle?

OFFICER SMETS: No.

SERGEANT TORRES: The Honda, the black Honda? And you didn't see this person prior to the shooting?

OFFICER SMETS: I did not.

SERGEANT TORRES: At any time, did you, outside of Officer Cassinelli directing the felony stop, outside of that, did you receive direction from anyone as to any orders?

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OFFICER SMETS: No.

SERGEANT TORRES: Did you discuss a plan of action with anyone?

OFFICER SMETS: No.

SERGEANT TORRES: Did you hear anybody talking about a plan of action?

OFFICER SMETS: No. Besides what we're all taught how to conduct ourselves at felony stops.

SERGEANT TORRES: Do you know who was in charge of this incident, if anyone?

OFFICER SMETS: I saw briefly, Sergeant Caldera on-scene.

SERGEANT TORRES: Was this prior to the shooting?

OFFICER SMETS: I don't remember.

SERGEANT TORRES: And at the time you noticed Sergeant Caldera, was there any directions, or any information conveyed, or orders given?

OFFICER SMETS: So, I either saw Sergeant Caldera before or after, and I do remember seeing Sergeant Perez with the shield. Then I do remember him saying I'll be able to push up to the car, and then grab him, when we got to the car.

SERGEANT TORRES: Do you know if there was

a supervisor on-scene at the time of the shooting?

OFFICER SMETS: I do not. Not specifically, but again, I can't remember when I saw Sergeant Caldera.

SERGEANT TORRES: Okay. You had stated that there was warnings given both in English and Spanish.

OFFICER SMETS: Yes. I assume what was said in Spanish was a warning. Again, I don't speak Spanish, so I can't say if it was a warning or not.

SERGEANT TORRES: Understood.

OFFICER SMETS: But I know there was warnings given in English.

SERGEANT TORRES: The warnings in English, were they clear to you?

OFFICER SMETS: Yes.

SERGEANT TORRES: And the warnings in Spanish, I know you don't speak Spanish, but…

OFFICER SMETS: I did understand articulated Spanish words, and those seemed very clear, and it was on a loudspeaker.

SERGEANT TORRES: Okay.

OFFICER SMETS: It was louder than what was given in English.

SERGEANT TORRES: So, do you think any

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other forms of force options were available to you at the time?

OFFICER SMETS: No.

SERGEANT TORRES: Okay. Can you discuss why not, and the reasonableness, and the feasibility of the force options that were available to the officers?

OFFICER SMETS: Well, we have the command presence, which obviously didn't work. Verbal commands were not working either. Pointing our weapons was not working. We did, instead of our batons, we had an extended range impact weapon, which served as a baton; that did not work. I would never have advised using the pepper spray, because someone with a gun, it makes them less accurate and more dangerous. That's the only, that's all I got.

SERGEANT TORRES: Okay. From the time of your arrival to the time the situation was Code 4, I believe Sergeant Caldera said over the radio it was Code 4, what timeframe do you think that was? If you can recall or if you can estimate, how long is that?

OFFICER SMETS: On-scene, from what I remember, it seemed like a long time to me. Looking back at the footage, apparently, it was not; way

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less than I thought.

SERGEANT TORRES: But while you're going through it…

OFFICER SMETS: I'm thinking it's about ten minutes of commands at least.

SERGEANT TORRES: Okay. Did you see any officers who weren't behind cover or concealment, outside of the time you went and made, or provided the arrest team?

OFFICER SMETS: No. So, once I put him back in the car, I had noticed officers, but once I got up to where I had my gun out at that point, I don't see any officers.

SERGEANT TORRES: Okay. And that's because?

OFFICER SMETS: All my attention is focused on the man in the trunk not complying to orders.

SERGEANT TORRES: So, when did you turn off your body camera?

OFFICER SMETS: At Mission Station.

SERGEANT TORRES: Why did you turn it off?

OFFICER SMETS: A POA rep, don't remember which one, advised me that per Sergeant Shugars, we were to deactivate our body worn cameras.

SERGEANT TORRES: Did you give a Public

Safety statement, and if so, to whom?

OFFICER SMETS: I did. That was at Mission Station. I believe it was to Sergeant Russell.

SERGEANT TORRES: Were you separated and monitored?

OFFICER SMETS: I was separated and monitored, yes.

SERGEANT TORRES: Who monitored you?

OFFICER SMETS: A POA rep.

SERGEANT TORRES: Did you discuss the incident with anyone prior to meeting your counsel?

OFFICER SMETS: I did not.

SERGEANT TORRES: Have you been involved in a critical incident prior to this?

OFFICER SMETS: A critical incident?

SERGEANT TORRES: yes.

OFFICER SMETS: Yes.

SERGEANT TORRES: What critical incident?

OFFICER SMETS: Many. I do not…there was a big 519 I was a part of. There was like too many to really distinguish.

SERGEANT TORRES: Okay. Did you suffer any physical injuries as a result of this incident?

OFFICER SMETS: I did not.

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SERGEANT TORRES: I know you saw combat, but again, these are questions…a lot of these questions I have to ask. Have you been impacted by this incident? Whether it's a loss of sleep, appetite, or anything like that?

OFFICER SMETS: No.

SERGEANT CRUDO: I have a couple of things. You kind of covered this. I just want to make sure that…so, you're part of the folks that went up and detained the driver, and brought him back to the car?

OFFICER SMETS: Yes.

SERGEANT CRUDO: Okay. And you talked about being back at the car. I think Sergeant Torres asked you a couple of questions about what you might have said to him, or what you might have understood, if he told you about anyone in the car or anything like that. But did you hear any statements, or anybody ask him anything as you were moving him? Or at any point, from the time you kind of contacted him to the time you got him in the car, did you hear him say anything?

OFFICER SMETS: Just the, "Why are you touching me? What did I do?" Just that kind of stuff. I didn't, nothing…

SERGEANT CRUDO: I'm just an innocent guy on the street right now and gosh.

OFFICER SMETS: Yeah.

SERGEANT CRUDO: Okay. And the only thing I have is in the moment, when things are kind of escalating, there's probably some point where you kind of realize this is not going according to plan.

OFFICER SMETS: Yes.

SERGEANT CRUDO: I mean you had the driver, you guys got the driver in custody, but obviously, now the guy in the car is not cooperating. You're not aware that there's the female in the car, so it's a non-factor. You talked about once you got back from the driver, kind of being focused on the passenger. As this seems to be kind of escalating, were you aware of any physiological things that might have been going on with yourself? Did you notice any kind of rapid breathing, heart rate? You mentioned already in this interview, kind of your sense of time might have been a little distorted.

OFFICER SMETS: [Since the] time was distorted and I was, my adrenaline was constantly just being pushed to almost firing and then back

down, and then almost firing and back down. And then when we got shot at, then I fired.

SERGEANT CRUDO: Yeah.

OFFICER SMETS: It was up and down.

SERGEANT CRUDO: And you talk about your adrenaline going up and down, but how do you gauge that? I mean it sounds like the mental part, the cognitive part making the decision to pull the trigger.

OFFICER SMETS: It was almost a physical thing too.

SERGEANT CRUDO: Right.

OFFICER SMETS: Whenever you'd see him go for his hand or fidgeting, my vision just focused on that. Then all of a sudden, I'm like, "Uh, crap, here it is. This is the moment," and then he'd bring his hand back up and then he'd kind of relax a little bit.

SERGEANT CRUDO: So, you would feel that narrowing of focus.

OFFICER SMETS: Yeah.

SERGEANT CRUDO: And like, [why now]? Relax. Did you notice anything with breathing?

OFFICER SMETS: Breathing, but when I was firing, I didn't even hear my gun go off.

SERGEANT CRUDO: Okay.

OFFICER SMETS: It's total auditory exclusion.

SERGEANT CRUDO: Okay. Anything else? Any kind of out-of-body experience, as they say? Or any…

OFFICER SMETS: No, not really. Just afterward, when you're like, "Uh, crap. I just fired."

SERGEANT CRUDO: Okay.

SERGEANT TORRES: That's it.

SERGEANT CRUDO: Just quickly. When you were describing how you got to the point of almost firing, because he would fidget with his hand.

OFFICER SMETS: Uh-huh.

SERGEANT CRUDO: Were you also hearing your fellow officers reacting to that?

OFFICER SMETS: We were all yelling at him. Whenever he would do his hand out, my vision was focusing on him like, "Hey, hey, hey. Stop, stop, stop."

SERGEANT CRUDO: And did you try…

OFFICER SMETS: So, I could hear them all saying it. It was like a chorus of like, "Hey, what are you doing?"

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SERGEANT CRUDO: Sergeant Torres probably asked you this. I just want to make sure it's covered, while I'm thinking of this. Did you give a warning or did you hear any warnings specifically [inaudible]?

OFFICER SMETS: Did I hear anyone warn him?

SERGEANT CRUDO: Yeah.

OFFICER SMETS: Yes.

SERGEANT CRUDO: And you know what I mean by warning? I mean warning like in the sense of a command with consequences.

OFFICER SMETS: I heard, "If you don't get out, we'll shoot you."

SERGEANT CRUDO: Okay. And definitely in English?

OFFICER SMETS: And I assume it's in Spanish, and I remember someone saying, "Hey, tell him like if he doesn't get out, we'll shoot you."

SERGEANT CRUDO: Okay.

OFFICER SMETS: In Spanish. So, yeah.

SERGEANT TORRES: Okay. Officer Smets, I just want to make sure that you're aware of the Department resources that are available to you, the Employee Assistance Program, the Behavioral Science

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Unit. If at any point in time that you feel you could benefit from that, because it is natural, it is something that people experience. I know from firsthand, so I just want to make sure that you're aware of that. Okay?

OFFICER SMETS: Okay.

SERGEANT TORRES: Is there any other information relevant to this interview that I haven't asked about that you feel may aid me in my administrative investigation? Is there anything that you'd like to add?

OFFICER SMETS: No.

SERGEANT TORRES: Okay. All right. Once again, because this is a confidential investigation, you are ordered not to speak about this interview outside of your representative. Do you understand?

OFFICER SMETS: Yes.

SERGEANT TORRES: Okay. That concludes this interview. The time is 1433 hours.

END OF DOCUMENT

SFDPA - 0097-18 - 000651

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	TENDERLOIN STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Tuesday, March 26, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	ARI SMITH-RUSSACK #4132	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/3/2019 at 5:30 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts. **Homicide interview will be emailed.**

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Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

Fold Here First

DPA Use Only

Fold Here Second

OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

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Department of Police Accountability
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San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0 0 9 7 - 1 8
Incident Report or Citation No.		
[redacted]		

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Ari Smith-Russack #4132	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SERGEANT TORRES: Okay. This interview is regarding OIS Case number [redacted]. This interview is taking place at the Office of Internal Affairs Division. Today's date is May 29th [sic], 2018, the time currently is 0536 hours.

POA ATTY NOBLES: Can we double-check that? Is it May 21st?

SERGEANT CRUDO: Did you say 29th?

POA ATTY NOBLES: I believe so.

SERGEANT TORRES: I said 29th, my apologies. It's May 21st.

POA ATTY NOBLES: Thank you, yeah.

SERGEANT TORRES: Thank you, Mister Nobles. Conducting this interview is Sergeant Pilar Torres, Star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is, Officer, would you please state and spell your name and also your Star number, please?

OFFICER SMITH-RUSSACK: Yes, sir. First name is Ari, that's Adam Robert Ida. Last name of Smith-Russack, Sam Mary Ida Tom Henry, and then a hyphen, Robert Union Sam Sam Adam Charlie King, Star number 4132.

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SERGEANT TORRES: And you are the named member in this matter. Representing Officer Smith-Russack is

POA ATTY NOBLES: Don Nobles, POA Attorney.

SERGEANT TORRES: Also present from the Internal Affairs Division is…

SERGEANT CRUDO: Sergeant John Crudo, C-r-u-d-o, Star number 1694.

SERGEANT TORRES: No one else is present. Officer Smith-Russack, have you read the SFPD complaint form regarding this administrative investigation? It was the Notice to Appear today, here, this morning.

POA ATTY NOBLES: It's the one that we received.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. Have you read and do you understand Department General Order 2.08 and Government Code 3303, subsection (e)? And I have them as a reference if you wanted to look anything?

OFFICER SMITH-RUSSACK: Yes, sir. I understand.

SERGEANT TORRES: Okay. Have you read and do you understand Department General Order 2.01, Rule 21 and Rule 49?

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OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak to anyone about this interview outside of your counsel. Do you understand that?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Do you understand this interview is being recorded?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Officer Smith-Russack because there may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these rights that I've explained to you?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. With these rights in mind, would you like to speak to me now?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: Officer Smith-Russack, while you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative

investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am, therefore, ordering you, on behalf of the Chief of Police, to answer my questions in this administrative investigation.

If you refuse to answer my questions, your silence can be deemed insubordination, and result in administrative discipline including and up to termination of your employment. Any statement you make under the threat of such discipline, will be used for administrative purposes only, and cannot be used against you criminally, unless you choose to testify in such a criminal case. Your statements and any information you provide, will be held confidential, consistent with the California Constitution, Article I, section 1, and the San Francisco City Charter and Administrative Code, and will not be divulged except as required by law. Do you understand this order?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Officer Smith-Russack, will you answer my questions, as ordered, at this time?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Officer Smith-Russack, as you know, I monitored your voluntary interview with the Homicide Detail investigators, conducted on March 8th. I've given you a copy of the transcripts from that interview. Have you had the opportunity to review those transcripts?

OFFICER SMITH-RUSSACK: Yes, sir, I have.

SERGEANT TORRES: Okay. It is not uncommon that after a life-threatening encounter, as the body works through natural releases of adrenaline and other physiological reactions, that additional things are remembered, or memories and perceptions become clearer. Having reviewed your interview, is there anything that was not covered in that interview that you would like to add to the record at this time or anything that you'd like to clarify?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: Okay. Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. Before we get in

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the heart of the interview, I'd like to briefly affirm some of the information as I understand it, based on your voluntary interview. Your name is Ari Smith-Russack. Your Star number is 4132?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Your date of birth is [redacted]?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: You entered the Department approximately [redacted]?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: At the time of this incident, you had been at Mission Station for approximately three months.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And at that time, you were working swings, 16 to 02?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And at that time, you were wearing your Class B uniform?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: The night of the incident, you were working with Officer Corbyn Carroll?

OFFICER SMITH-RUSSACK: Yes.

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SERGEANT TORRES: And your call sign was 3 David 14 David?

OFFICER SMITH-RUSSACK: Yes, sir, I believe so.

SERGEANT TORRES: Okay. The night of the incident, you were carrying the Department issued Sig Sauer 226?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Did you deploy an ERIW?

OFFICER SMITH-RUSSACK: No, sir. I didn't.

SERGEANT TORRES: Did you deploy an AR-15 rifle?

OFFICER SMITH-RUSSACK: Yes, I did.

SERGEANT TORRES: Do you remember the vehicle you were driving?

OFFICER SMITH-RUSSACK: I do not, sir.

SERGEANT TORRES: In your Homicide interview, you listed it as 157. Is that accurate?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. And you were the driver or the passenger?

OFFICER SMITH-RUSSACK: I was the passenger.

SERGEANT TORRES: Prior to the incident, do you remember the last time you qualified with the handgun and rifle?

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OFFICER SMITH-RUSSACK: I don't recall the exact date. I believe it was during my third phase of FTO, so it would have been approximately four months ago; three or four months ago. No, I'm sorry. It would have been longer than that. Yeah, I'm sorry, sir. I don't recall the exact date. I'd have to…

SERGEANT TORRES: Do you know what your months are for qual?

OFFICER SMITH-RUSSACK: I'd have to check on the records, sir.

SERGEANT TORRES: Okay. At the time of this incident, do you know if you were current with the handgun and rifle?

OFFICER SMITH-RUSSACK: Yes, I was current.

SERGEANT TORRES: Okay. Officer Smith-Russack, do you have any prior law enforcement experience?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: Okay. do you have prior military service?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: Are you currently under the care of a doctor for any illness or injury?

OFFICER SMITH-RUSSACK: No, sir.

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SERGEANT TORRES: Are you currently taking any prescribed or over-the-counter drugs or medication?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: On the night of the incident, did you have a normal sleep cycle, prior to the start of your shift?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And about how many hours of sleep do you typically get?

OFFICER SMITH-RUSSACK: About eight hours, sir.

SERGEANT TORRES: Okay. And prior to the start of the shift, on the night of the incident, had you had a normal meal?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: You were on swings then. Do you typically eat before the start of your shift?

OFFICER SMITH-RUSSACK: Yes.

SERGEANT TORRES: Okay. Officer Smith-Russack, do you wear corrective lenses?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: And at the time of the incident, had you taken any prescribed or over-the-

counter medications?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: On the night of the incident, or rather the day of the incident, prior to the start of your shift, had you consumed any alcohol or any other controlled substances?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: The night of the incident, can you go through the list of equipment assigned to you and that you had the night of the incident?

OFFICER SMITH-RUSSACK: Checked out from the station, sir?

SERGEANT TORRES: Just everything you're required to wear.

OFFICER SMITH-RUSSACK: Yes, sir. My body worn camera, my Department issued Star, name tag, gun belt with my Department issued firearm, baton, pepper spray, two sets of cuffs, radio, two magazines, a full uniform, and I had checked out an ERIW and an AR-15.

SERGEANT TORRES: And the night of the incident, what impact weapon did you have? What type of baton?

OFFICER SMITH-RUSSACK: I had a wooden baton.

SFDPA - 0097-18 - 000666

SERGEANT TORRES: Officer Smith-Russack, what's your dominant hand?

OFFICER SMITH-RUSSACK: My right hand.

SERGEANT TORRES: And what hand do you fire your handgun with?

OFFICER SMITH-RUSSACK: Right hand, sir.

SERGEANT TORRES: And what hand do you fire the AR with?

OFFICER SMITH-RUSSACK: Right hand.

SERGEANT TORRES: Okay. Officer Smith-Russack, the night of the incident, was your handgun fully loaded?

OFFICER SMITH-RUSSACK: Yes, sir, it was.

SERGEANT TORRES: And can you tell me how many rounds that would be?

OFFICER SMITH-RUSSACK: Yes, sir. It would be 12 rounds in the magazine and one in the chamber.

SERGEANT TORRES: And you were assigned two additional magazines?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Were those topped off?

OFFICER SMITH-RUSSACK: Yes, sir, 12 rounds.

SERGEANT TORRES: Each?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. Do you know if your

handgun has any modifications?

OFFICER SMITH-RUSSACK: It does not, sir.

SERGEANT TORRES: The AR you were assigned that night, do you know if that has any modifications?

OFFICER SMITH-RUSSACK: Yes, sir. It has a red dot sight on it and a flashlight on the front.

SERGEANT TORRES: The AR you were trained with, was that in the Academy?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Did you take a course outside of the Academy?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: Do you recall if the AR that you trained with in the Academy, how it was set-up? Did it have a flashlight?

OFFICER SMITH-RUSSACK: Yes, sir, it did.

SERGEANT TORRES: Did it have the red dot that was on this one?

OFFICER SMITH-RUSSACK: Yes, sir, it did.

SERGEANT TORRES: So, from what you can tell, it was identical with what you trained with in the Academy?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Officer Smith-Russack, do

you carry a secondary or personal firearm?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: On- or off-duty?

OFFICER SMITH-RUSSACK: Off-duty, I do have an additional firearm; on-duty, I do not.

SERGEANT TORRES: What do you carry off-duty?

OFFICER SMITH-RUSSACK: A P239 Sig and a Glock 19.

SERGEANT TORRES: And neither of these were on your person the night of the incident?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: So, Officer Smith-Russack, can you tell me in your own words, why we are here today?

OFFICER SMITH-RUSSACK: Yes, sir. I was involved in an officer-involved shooting.

SERGEANT TORRES: On the 200 block of Capp Street?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Can you briefly summarize the incident from what you recall? From your own perceptions, not the camera or anything, from what you recall that night?

OFFICER SMITH-RUSSACK: Yes, sir. Do you want

from when I arrived on-scene or?

SERGEANT TORRES: What you heard to draw you to that area, and then just go from there.

OFFICER SMITH-RUSSACK: Okay. I was at the station when the call of a 211, 211 vehicle came out. Me and my partner, Officer Carroll, along with Officer Smets, responded to the scene. When I arrived on-scene, I observed a black Honda Civic with a suspect laying down in the trunk. I took a position of cover behind a red truck on the east side of the street, and looked into the Honda Civic, and observed a second female subject in the passenger seat of the vehicle.

Me and other officers ordered the suspect in the trunk to display his hands several times. The suspect displayed one of his hands but refused to show the other. The suspect was given commands in Spanish and English to show both of his hands, he did not respond to the commands. Another officer on-scene deployed one bean bag round from an ERIW at the suspect. We continued to give him commands to show both of his hands, to which he did not.

Then I observed, while behind the truck, the suspect opened the trunk with one of his hands, and pulled out what appeared to be a pistol, pointed in

the direction of the other officers on-scene, and I heard and observed two shots from the suspect towards the other officers. Fearing for the safety of the other officers on-scene and myself, I fired towards the suspect, at an angle that I thought would hit the suspect without striking the second suspect, who was sitting in the passenger portion of the vehicle. Once I saw that the suspect had gone limp and was no longer firing at the officers, I stopped firing.

After that, we took the suspect out of the back of the trunk, and the female, who was also in the car, seated in the back of the car, took the female into custody as well. Then I observed some bullet holes to a nearby building and checked inside, if there were any victims in there hit by any of the shots.

SERGEANT TORRES: Okay. Officer Smith-Russack, did you have your BWC on your person that night?

OFFICER SMITH-RUSSACK: Yes, sir, I did.

SERGEANT TORRES: When did you turn on your BWC?

OFFICER SMITH-RUSSACK: As soon as I exited the patrol vehicle and I made my way to the scene,

I turned it on, to my recollection.

SERGEANT TORRES: And I apologize. I want to make certain that when I refer to the BWC, I'm referring to the body worn camera.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And why did you, did you draw your firearm?

OFFICER SMITH-RUSSACK: I did not draw my pistol, sir. I only had the AR.

SERGEANT TORRES: Okay. And why did you pull out the AR?

OFFICER SMITH-RUSSACK: Because at that time, it was said that the suspect was possibly in possession of a firearm, and I wanted to make sure I could accurately protect myself and my fellow officers if he were to fire at us.

SERGEANT TORRES: And you stated you were behind a red truck, behind cover?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Did you ever break from this cover?

OFFICER SMITH-RUSSACK: I did break from the cover after the suspect was down.

SERGEANT TORRES: Did you happen to hear the suspect say anything prior to the shooting?

OFFICER SMITH-RUSSACK: I did not.

SERGEANT TORRES: Okay. And did you fire your weapon?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And that would be the AR?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Why did you start firing?

OFFICER SMITH-RUSSACK: I observed the suspect firing in the direction of other officers on-scene.

SERGEANT TORRES: At that time, what was going through your mind?

OFFICER SMITH-RUSSACK: I believed that the other officers on-scene, along with myself, were in danger of being seriously hurt or killed in that moment.

SERGEANT TORRES: Did you use your sights to acquire a sight picture, or did you eye on sights, or how did you do that?

OFFICER SMITH-RUSSACK: The red dot sight, sir.

SERGEANT TORRES: And you were holding the AR with two hands?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Do you know where your

rounds hit?

OFFICER SMITH-RUSSACK: I don't know for sure. I did observe two, what appeared to be bullet holes on the red truck in front of me.

SERGEANT TORRES: Did you happen to notice if there was damage to the red truck prior to you firing?

OFFICER SMITH-RUSSACK: I did not.

SERGEANT TORRES: Were you trained and taught the term, holdover?

OFFICER SMITH-RUSSACK: Not to my recollection, sir.

SERGEANT TORRES: During your training, did the instructors go over the elevation difference at close quarters on the AR?

OFFICER SMITH-RUSSACK: I believe so, sir.

SERGEANT TORRES: Okay. So, you know there's that issue in close quarters, the elevation between the point of aim and the point of impact?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And the red dot?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. Do you know how many rounds you fired?

OFFICER SMITH-RUSSACK: I do not, sir.

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SERGEANT TORRES: Why did you stop firing?

OFFICER SMITH-RUSSACK: I stopped firing because I saw the suspect go limp and no longer thought he was a threat to myself or other officers on-scene.

SERGEANT TORRES: And what were you shooting at?

OFFICER SMITH-RUSSACK: I was shooting at the suspect who was in the trunk of the vehicle.

SERGEANT TORRES: And what, why were you shooting at him?

OFFICER SMITH-RUSSACK: Because he was firing at other officers on the scene.

SERGEANT TORRES: And by you firing, you hoped to what?

OFFICER SMITH-RUSSACK: Eliminate the threat.

SERGEANT TORRES: Okay. You briefly talked about you saw a female in the car.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Is there anything you did once you noticed the female in the car?

OFFICER SMITH-RUSSACK: Yes, sir. I told other officers on the scene that I observed a female in the back of the vehicle, or excuse me, in the front of the vehicle.

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SERGEANT TORRES: Okay. Was she part of your backdrop?

OFFICER SMITH-RUSSACK: I'm sorry, sir. Can you rephrase the question?

SERGEANT TORRES: So, when you're focusing in, I assume you're focusing in on the individual in the trunk?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And typically, when we're supposed to know what our backdrop is to ensure that if we miss, we don't want to hit anybody else.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And so, if she was in the car, there's the potential of her getting hit as well. Did you account for that?

OFFICER SMITH-RUSSACK: Yes, sir, I did.

SERGEANT TORRES: Okay. Can you tell me what you did?

OFFICER SMITH-RUSSACK: Yes, sir. I attempted to aim down into the trunk in a way that would strike the suspect, but not the female. And also, because I was to the east side of the street, I thought that my shots would not likely go through the car and hit her, but rather hit the suspect at an angle.

SERGEANT TORRES: And what about the rest of your backdrop? Were you concerned about anything else?

OFFICER SMITH-RUSSACK: Yes, sir. The buildings to the side that I knew were likely occupied. So, I attempted to fire shots directly at the suspect in to the trunk, and not hit anybody who was in the houses nearby, or any other objects nearby.

SERGEANT TORRES: Okay. And there was nobody else around that area?

OFFICER SMITH-RUSSACK: There were other officers to my right, but from my observation, there was no officers that were in front of my line of fire.

SERGEANT TORRES: Okay. Did you notify…I'll come back to that. So, you just stated that you told somebody about the female.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Who did you tell?

OFFICER SMITH-RUSSACK: Officer Carroll.

SERGEANT TORRES: Officer Carroll?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Was there a supervisor on-scene at that point?

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OFFICER SMITH-RUSSACK: During the incident, did not know if there was a supervisor. I believe now, after observing the video footage that Sergeant Caldera may have been on the scene.

SERGEANT TORRES: Okay.

SERGEANT CRUDO: But you didn't know that until after viewing the video?

OFFICER SMITH-RUSSACK: Yes, sir. I was not aware that there was a sergeant on-scene during the incident.

SERGEANT TORRES: Okay. Did anybody acknowledge your statement or warning about the female in the car?

OFFICER SMITH-RUSSACK: I believe I stated it twice. I don't recall if anybody specifically acknowledged it.

SERGEANT TORRES: Okay. And at the time of the incident, you just stated that you didn't know whether a supervisor was on-scene at the time you fired?

OFFICER SMITH-RUSSACK: Yes, sir, that's correct.

SERGEANT TORRES: Okay. All right. Did you notify a supervisor of your discharge, and if so, when and to whom?

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OFFICER SMITH-RUSSACK: Yes, sir. I believe I did speak to Sergeant Shugars and provided a Public Safety statement.

SERGEANT TORRES: When?

OFFICER SMITH-RUSSACK: I believe it was when I was back at the station.

SERGEANT TORRES: Did you happen to recognize the driver or the passenger of the vehicle?

OFFICER SMITH-RUSSACK: No.

SERGEANT TORRES: No. Did you see the driver being taken out of or ordered back and taken into custody?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: You did. Do you know where that person was placed?

OFFICER SMITH-RUSSACK: He was placed in a patrol car to the rear.

SERGEANT TORRES: Do you know who was monitoring that person?

OFFICER SMITH-RUSSACK: I do not.

SERGEANT TORRES: Did you hear that person, the driver, say anything?

OFFICER SMITH-RUSSACK: I heard him yelling. I could not understand what he was saying.

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SERGEANT TORRES: You just stated that you told Officer Carroll that there was another person in the vehicle?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Do you know if you received an acknowledgment from him?

OFFICER SMITH-RUSSACK: I do not recall if I did receive an acknowledgment or not.

SERGEANT TORRES: Do you recall him echoing that statement?

OFFICER SMITH-RUSSACK: I don't recall if he echoed or not.

SERGEANT TORRES: And just to confirm. You adjusted your firing position because of the person in the vehicle?

OFFICER SMITH-RUSSACK: Yes, sir. That was one of the points of consideration when taking cover behind the red truck.

SERGEANT TORRES: Okay. And when I mean that person, I meant the person in the passenger compartment, not in the trunk.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. Did you happen to receive direction from anyone?

OFFICER SMITH-RUSSACK: Officer Carroll

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initially, upon the scene, asked me if I could see if anyone else was in the vehicle, more in the front portion of the vehicle, and that was part of the reason why I moved up to the red truck, to get a better view into the front compartment, and that's where I observed the female.

SERGEANT TORRES: And that's when you conveyed the information about the person in the vehicle?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: But you don't recall Officer Carroll acknowledging that information?

OFFICER SMITH-RUSSACK: No, sir. I repeated myself on a second occasion, I believe, due to the fact that I wasn't sure if I had received the acknowledgment or not. I don't recall if they had heard it at that point or not.

SERGEANT TORRES: Okay. Did you happen to discuss a plan of action with anyone?

OFFICER SMITH-RUSSACK: Not to my recollection.

SERGEANT TORRES: Did you hear anyone talking about a plan? Any officers talking about what they're going to do?

OFFICER SMITH-RUSSACK: Other than the red

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light, no, sir.

SERGEANT TORRES: Do you know who was in charge of the incident?

OFFICER SMITH-RUSSACK: At the time of the incident, I did not.

SERGEANT TORRES: During, before, up to, and just after the shooting, was there any instructions? That's okay, you don't have to answer that. And you said you saw a supervisor after the shooting?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And not before?

OFFICER SMITH-RUSSACK: Yes, sir. That's correct.

SERGEANT TORRES: Okay. What were the warnings given to the person in the trunk, if you recall, and by whom?

OFFICER SMITH-RUSSACK: Yes, sir. Officer Cassinelli ordered the suspect to show his hands several times and informed Officer Banegas to inform him in Spanish that he would be shot if he did not show his hands. I gave the suspect an instruction to show his hands, and several other officers also gave the suspect instructions to show his hands.

SERGEANT TORRES: Those warnings, do you believe they were clear?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Officer Smith-Russack, do you think any other forms of force options were available to you, and if not, can you discuss the reasonableness or the feasibility of why the application of that force would not be practical?

OFFICER SMITH-RUSSACK: Yes, sir. During the actual shooting, the suspect as actively discharging his firearm in the direction of other officers on-scene. I fully believe if we had not returned fire and ended the threat, that he would have likely seriously injured or killed the other officers on-scene instantly.

SERGEANT TORRES: Okay. But what about prior to that? Do you think any of the other options that we have available to us would have sufficed?

OFFICER SMITH-RUSSACK: Sir, I believe that the ERIW was the best option because of the exigency to remain behind cover. While using the force in the vehicle, using a baton or pepper spray would require us to leave cover, and come too close to the vehicle, and give up our cover.

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SERGEANT TORRES: Okay. And how long did the incident last from the time that you arrived on-scene to the time that you left? Or the time until the discharge?

OFFICER SMITH-RUSSACK: I would estimate it was about five minutes, three to five minutes. I don't recall.

SERGEANT TORRES: That's fine. And again, I'm asking you for your perceptions.

OFFICER SMITH-RUSSACK: Got it, sir.

SERGEANT TORRES: At the time of the incident, not after any of the other reviewing of anything.

OFFICER SMITH-RUSSACK: Sir, I believe it was around three minutes.

SERGEANT TORRES: Okay. Did you see officers who weren't taking advantage of cover or concealment?

OFFICER SMITH-RUSSACK: Yes, sir. I believe I did.

SERGEANT TORRES: And who were those officers?

OFFICER SMITH-RUSSACK: At one point, I noticed Officer Carroll, who I believe was not behind cover at that time.

SERGEANT TORRES: Did you see anybody else?

OFFICER SMITH-RUSSACK: Not that I could see. During the incident, I was focused in on the Honda Civic. The only person I saw was Carroll, because I was trying to communicate with him, but I don't see exactly where the other officers were standing.

SERGEANT TORRES: Right. At any point, did you see Officer Carroll move to cover?

OFFICER SMITH-RUSSACK: I don't recall if I did or didn't.

SERGEANT TORRES: And when did you turn off your body camera?

OFFICER SMITH-RUSSACK: I turned off my body camera in the station, where I was ordered to by a supervisor.

SERGEANT TORRES: I believe earlier you stated you gave a Public Safety statement to Sergeant Shugars?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: And that was at the station?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Were you separated and monitored?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: By whom?

OFFICER SMITH-RUSSACK: Sir, initially, I don't recall initially who I was with. At first, I was in the main hallway at Mission Station, and then I was brought up to the breakroom on the second floor of Mission Station, and I was sitting with Officer Griffin and the officer.

SERGEANT TORRES: Did you discuss the incident with anyone prior to meeting with your counsel?

OFFICER SMITH-RUSSACK: No, I didn't.

SERGEANT TORRES: Have you been involved in critical incidents in the past?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: What was it?

OFFICER SMITH-RUSSACK: [redacted]

SERGEANT TORRES: Officer Smith-Russack, did you suffer any physical injuries as a result of this incident.

OFFICER SMITH-RUSSACK: No, sir. I did not.

SERGEANT TORRES: How has the incident

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impacted you? Has the incident impacted you in other ways, such as loss of sleep, appetite, anything of that nature?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT TORRES: Because those would be natural things that come about.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. And the reason I ask, I just want to make sure you're aware that the Department has resources available for these type of incidents, such as BSU and the Employee Assistance Program. You are aware of those?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: I've got a couple of questions. I'm just going to follow-up, and just kind of in the order that Sergeant Torres asked you questions.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: So, we'll go through this real quick. Talking about your background, and [unintelligible] thing just came up in your Homicide interview either, but no prior law enforcement, no prior military. Any prior, other, First Responder, EMT, anything like that?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT CRUDO: Okay. A couple of things. Talked a little bit about you went to the scene with Officer Carroll.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: And Officer Smets.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Officer Carroll was positioned somewhat in front of you, you were behind the red truck.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: And he's ahead of you.

OFFICER SMITH-RUSSACK: I don't recall if he's ahead of me. I just recall that he was to my right side.

SERGEANT CRUDO: Okay. And you said that the direction, any direction you got from the scene was, you said that Officer Carroll directed you to look and see or see if there was anybody else in the car.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: So, that's why you moved to the position behind the red truck?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Okay. And from there, you could see somebody?

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OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: And then, you tried to convey that information, at least two times back to Officer Carroll. You had no feedback from him, whether or not he actually took that information?

OFFICER SMITH-RUSSACK: I'm sorry. I don't recall if I had feedback from Officer Carroll or other officers when I was trying to convey that to Officer Carroll as well as to the officers on the scene, so that everybody was aware.

SERGEANT CRUDO: Right. From the time you started to convey that information to the time shots were fired, about how much time do you think elapsed?

OFFICER SMITH-RUSSACK: Probably a minute to two minutes.

SERGEANT CRUDO: Okay. And that's just kind of how it felt?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: What you perceived it to have been.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: You said in regards to discussing a plan of action, you said that you didn't recall if there was a plan of action other

than red light.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Can you tell me what that plan of action, what do you mean by that?

OFFICER SMITH-RUSSACK: Yes, sir. Well, first of all, due to the circumstances, I don't think any of us knew exactly what we were being faced with. I certainly was not aware that the person in the trunk had a firearm at that point. So, we, at that point, had not had ample time to discuss exactly what we were going to do, as we did not know what exactly we were being faced with. The red light was given by Officer Santana to inform the rest of us that he was going to fire a bean bag round. So, it was to make sure that we didn't mistake the sound of that bean bag as a gunshot and fire by mistake.

SERGEANT CRUDO: Okay. So, it wasn't really a discussion of a plan of action.

OFFICER SMITH-RUSSACK: No.

SERGEANT CRUDO: So, it wasn't like a pow-wow or something like that?

OFFICER SMITH-RUSSACK: No, sir.

SERGEANT CRUDO: Or some kind of meeting of the minds.

OFFICER SMITH-RUSSACK: No.

SERGEANT CRUDO: But you heard the command that we train to, red light, red light.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Which indicates a bean bag round is probably going to be fired.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: So that it is not confused and create sort of a friendly fire situation?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Is that correct?

OFFICER SMITH-RUSSACK: Yes, sir. That's correct.

SERGEANT CRUDO: Okay. But no sort of meeting of the minds. And I appreciate what you were saying. I understand this is a tense, uncertain, rapidly evolving situation. It's chaotic and you're trying to manage chaos. I mean, I get that. I just want to kind of understand what you meant when you said [other] than red light.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Yeah.

OFFICER SMITH-RUSSACK: So, my apologies.

SERGEANT CRUDO: No, no, no. That's okay, that's fine. So, going to warnings. We talked about

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warnings, and you said that [Castelli] ordered the suspect to show his hands, that you yelled commands. You heard other people yelling commands, and those commands, I imagine, your commands were in English?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Other commands you heard were in English?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: You said you heard Cassinelli tell Officer Banegas to tell the suspect to show his hands, in Spanish, or he would be shot.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: So, a warning and a command are a little bit different.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Did you hear any warnings given in English? That is to say, a command with consequences?

OFFICER SMITH-RUSSACK: I don't recall.

SERGEANT CRUDO: But you heard commands in English and instructions to give a warning in Spanish?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Okay. Turning off your

body worn camera, you said back at the station, which I assume was Mission. Correct?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: You were ordered by a supervisor to turn off your body worn camera.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: Who ordered you? What supervisor?

OFFICER SMITH-RUSSACK: I'm sorry, I don't recall what supervisor it was at this point.

SERGEANT CRUDO: Okay. Was it, so you don't know. Sergeant Shugars took your Public Safety statement.

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT CRUDO: He was not the person who ordered you to drop your camera?

OFFICER SMITH-RUSSACK: Sir, I recall it was a supervisor as I wouldn't have turned it off without the direct order of a supervisor, but I do not recall. I'm sorry, I don't recall who though.

SERGEANT CRUDO: That's okay. That's okay. Just trying to make sure that I get that. I had something marked, but I can't even read my writing, so I can't ask.

SERGEANT TORRES: Mister Nobles?

POA ATTY NOBLES: [Go ahead].

SERGEANT TORRES: All right. Officer Smith-Russack, is there any other information relevant to this incident that I haven't asked you about that you believe would aid me in my administrative investigation?

OFFICER SMITH-RUSSACK: Not that I'm aware of, sir.

SERGEANT TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak to anyone about this interview outside of your representative. Do you understand that?

OFFICER SMITH-RUSSACK: Yes, sir.

SERGEANT TORRES: Okay. All right. That concludes this interview. The time is 0619 hours.

END OF DOCUMENT

SFDPA - 0097-18 - 000694

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	SOUTHERN STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
	DPA ATTORNEY TINNETTA THOMPSON
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Wednesday, March 27, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER JOSHUA TUPPER #4115	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/9/2019 at 9:00 PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached documents: Form 293, allegation form, IAD interview transcripts.

San Francisco Department of Police Accountability

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Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

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Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18

Incident Report or Citation No. [redacted]

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form
Amended 3/26/18 (CC)

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X		Q2	Joshua Tupper #4115	3D	[redacted]	M	1

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

SGT. PILAR TORRES: Okay. This interview's regarding IAD Case [redacted] or rather OIS[redacted]. This interview is taking place at the Office of the Internal Affairs Division. Today's date is May 15th, 2018. The time is currently is 05:49 hours. Conducting this interview is Sergeant Pilar Torres. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is, please state your name and spell your name and star number, please?

OFFICER JOSHUA TUPPER: Officer Tupper. Tom Union Paul Paul Edward Robert. Star number 4115.

SGT. TORRES: First of Joshua, correct?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Officer Tupper, you're the named member in this matter. Also present representing Officer Tupper is?

POA ATTY. DON NOBLES: Don Nobles. POA Attorney.

SGT. TORRES: Also present from the Internal Affairs Division is?

SGT. PAUL OSPITAL: Sergeant Paul Ospital. Star number 121.

SGT. TORRES: Okay. And no one else is currently present. Okay, Officer Tupper, have you read SFPD Complaint regarding the allegation of misconduct regarding this incident? Where you make the notice that was sent out to you.

OFFICER TUPPER: Yes.

SGT. TORRES: To show up here regarding this interview?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Have you read and do you understand Department General Order 2.08, Peace Officers Bill of Rights, which is governed by Government Code 3303, Subsection E?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Have you read and do you understand Department General Order 2.01, Rule 21?

OFFICER TUPPER: Yes.

SGT. TORRES: And Rule 49?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone. Do you understand?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Obviously except your

Counsel. Do you understand that this interview is being recorded?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Okay, Officer Tupper, because there may be criminal culpability on your part, I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these rights I have explained to you?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. With these rights in mind, do you want to speak to me right now?

OFFICER TUPPER: No.

SGT. TORRES: Okay. Officer Tupper, while you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you on behalf of the Chief of Police to answer my questions in this Administrative investigation. If

you refuse to answer my questions, your silence may be deemed insubordination and result in administrative discipline, including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally unless you choose to testify in such a criminal case. Your statements and any information you provide will be held confidential, consistent with the California Constitution, Article 1, Section 1, and the San Francisco City Charter and Administrative Code. And will not be divulged except as required by law. To you understand this order?

OFFICER TUPPER: Yes.

SGT. TORRES: Officer Tupper, will you answer my questions as ordered at this time?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. All right. Officer Tupper, as you know, I monitored your voluntary interview with the Homicide Detail investigators conducted on March 8th. And I've given you a recording of this interview--rather transcripts of that interview. Have you had an opportunity to review those transcripts?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. It is not uncommon after a life-threatening encounter as the body works through the natural releases of adrenaline and other physiological reactions, that additional things are remembered or memories and perceptions become clear. Having reviewed your interview, is there anything that was not covered in your interview that you would like to add to the record at this time or anything you'd like to clarify?

OFFICER TUPPER: No.

SGT. TORRES: Okay. Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Before we get into the heart of the interview, I'd like to affirm some of the information you gave to the Homicide Inspectors and please stop me if I missed anything. So your name is Joshua Tupper. Your star is 4115? Date of birth of [redacted]?

OFFICER TUPPER: Yes.

SGT. TORRES: [redacted]. You entered the Department at approximately [redacted]? Do you remember the date?

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OFFICER TUPPER: Not the exact date, no.

SGT. TORRES: Okay. All right. At that time of this incident, you currently worked at Mission Station?

OFFICER TUPPER: Yes.

SGT. TORRES: And you were there--you'd been there approximately three months?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Were you on probation at that time?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. And at that time you worked midnights, 21 to 07?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. And you were wearing a Class B uniform?

OFFICER TUPPER: Yes.

SGT. TORRES: That night you were working with Officer Cassinelli?

OFFICER TUPPER: Yes.

SGT. TORRES: And Officer Cody?

OFFICER TUPPER: Yes.

SGT. TORRES: And your call sign was 3 David 13 Edward?

OFFICER TUPPER: Yes.

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SGT. TORRES: That night you were carrying a Sig 226?

OFFICER TUPPER: Yes.

SGT. TORRES: Do you know if you guys had an EIRW?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. And you had a rifle that night.

OFFICER TUPPER: Yes.

SGT. TORRES: The vehicle you were riding in was a black-and-white 067?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. And that has no cage.

OFFICER TUPPER: No.

SGT. TORRES: Okay. Were you the passenger?

OFFICER TUPPER: Yes.

SGT. TORRES: Front seat passenger?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Prior to the incident--not sure where your star number falls into it--when was the last time you qualed at the range? What are your months? Do you know?

OFFICER TUPPER: It was September.

SGT. TORRES: Okay. September?

OFFICER TUPPER: Yes.

SGT. TORRES: And are you rifle qualed?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Did you qual on the rifle in September as well?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. If you're not certain--

OFFICER TUPPER: I'm not certain it was September but it was in the later portion of my--it was Phase 2 FTO, I believe.

SGT. TORRES: Okay. I'll check. I'll check in on that. Officer Tupper, do you have any prior law enforcement experience?

OFFICER TUPPER: No.

SGT. TORRES: Okay. How about do you have any military experience?

OFFICER TUPPER: No.

SGT. TORRES: Officer Tupper, are you currently under the care of a doctor for any illness or injury?

OFFICER TUPPER: No.

SGT. TORRES: Okay. So you're currently--well, are you currently taking any prescribed or over-the-counter medications?

OFFICER TUPPER: No.

SGT. TORRES: Were you under the care of a

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doctor on the night of March 6th, 2018?

OFFICER TUPPER: Can you clarify that, just like having--do I have a physician? Or under the care like--

SGT. TORRES: Were you under the care of a physician on that date to the point where you were prescribed any medication?

OFFICER TUPPER: No.

SGT. TORRES: No. Okay. Officer Tupper, on the night of the incident, or the--your sleep habits prior to the night of the incident? Do you know how many hours you slept during that sleep cycle?

OFFICER TUPPER: No.

SGT. TORRES: No? Do you normally have a normal sleep cycle?

OFFICER TUPPER: Yes.

SGT. TORRES: And how many hours is that?

OFFICER TUPPER: Usually from 7--around 7:30 in the morning to about 3 or 4 in the afternoon so--

SGT. TORRES: Okay. And you had a normal sleep cycle that you recall previous to that night?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. That night, Officer

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Tupper, did you eat prior to the start of your shift or did you have anything during your shift prior to the incident?

OFFICER TUPPER: I can't recall but I usually eat before my shift.

SGT. TORRES: Okay. Do you wear corrective lenses?

OFFICER TUPPER: No.

SGT. TORRES: And I think I already touched on this. That night you weren't taking any medication for anything over-the-counter or prescribed?

OFFICER TUPPER: No.

SGT. TORRES: That night had you consumed any alcohol or any other controlled substances?

OFFICER TUPPER: No.

SGT. TORRES: The equipment you had that night, you had your radio?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. What force options did you have on you?

OFFICER TUPPER: My baton. My pepper spray. My person, I guess.

SGT. TORRES: Okay. And were you carrying your issued two extra magazines?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Do you carry any other magazines besides the ones that were issued to you?

OFFICER TUPPER: No.

SGT. TORRES: And did you have your handcuffs on you?

OFFICER TUPPER: Yes.

SGT. TORRES: Any other restraints?

OFFICER TUPPER: A second set of handcuffs.

SGT. TORRES: Any other restraints?

OFFICER TUPPER: No.

SGT. TORRES: Do you have a hobble issued to you?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. So do you--were you carrying it that night?

OFFICER TUPPER: No.

SGT. TORRES: No. Okay. Any other impact weapons?

OFFICER TUPPER: In terms of like a ERIW?

SGT. TORRES: Maybe that's what I was thinking when I wrote this. Yeah. And you already answered that you guys did have the ERIW.

OFFICER TUPPER: Yes.

SGT. TORRES: What hand is your dominant

hand?

OFFICER TUPPER: My right hand.

SGT. TORRES: And what hand do you shoot with? Or what side do you shoot with?

OFFICER TUPPER: We were trained in both but if I was to--I guess my dominant side, my right hand.

SGT. TORRES: So you shoot your handgun primarily with your--

OFFICER TUPPER: Oh, no. That's both. Support it with both hands.

SGT. TORRES: But your strong hand is your--

OFFICER TUPPER: Right hand.

SGT. TORRES: Okay. And was your firearm fully loaded that night?

OFFICER TUPPER: Yes.

SGT. TORRES: So you would have had 12 in the chamber. I mean, 12 in the magazine and one in the chamber?

OFFICER TUPPER: Yes.

SGT. TORRES: And your spare magazines, were they filled to capacity?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Are you aware of any modifications to your handgun?

OFFICER TUPPER: No.

SGT. TORRES: So your handgun is issued--the way you have it, the way you carry it now is the way it was issued to you?

OFFICER TUPPER: Yes.

SGT. TORRES: No grips.

OFFICER TUPPER: No.

SGT. TORRES: Okay. Officer Tupper, do you carry secondary firearm while on duty?

OFFICER TUPPER: In terms of handguns, no. But a rifle, yes.

SGT. TORRES: Okay. So having reviewed the voluntary statement you gave to Sergeant Parker that night, do those statements accurately reflect your observations and perceptions between 22:30 and 23:00 on the night of March 6th, 2018? You kind of already answered that so I'll--I assume that's a yes. And you already answered this question. Having reviewed your transcripts, is there anything with respect to the account that you'd like to elaborate on, clarify, or amend?

OFFICER TUPPER: No.

SGT. TORRES: Okay. In your words, Officer Tupper, tell me what happened that night.

OFFICER TUPPER: We were in the area of

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like 21st and Capp. We were driving westbound and as we got to the intersection of Capp, I see a guy running into the street. He's flagging us down. And he's pointing up the street, yelling like "pistola, pistola." So I turned and looked up the street. See a guy jump into the trunk of a car. Officer Cassinelli pulls in behind the car. The car pulls off a little bit. He lights it up and then it pulls over, relatively quick. I pull out the rifle. And then focus on the trunk. Officer Cassinelli starts going over the radio, calling "Code 33" and like communicating what's going on, what's happening. And other units start responding. And we're executing what's deemed a felony traffic stop due to the nature of the incident. And so I was giving the driver commands to put the car in park, let me see your hands, and then gives him commands to slowly get out of the car, orders him back to us. Or not to--me--but there's an arrest team. So I'm on his side. And I'm more focused on the trunk. I just see him, the driver moving back from my peripheral to get him into custody. I'm not sure what happens to him. Then he starts giving the person in the trunk commands to, you know, let me see your hands. The

person in the trunk is sitting in the trunk. His right hand has the trunk ajar and then his left hand is down behind his body. We're saying, you know, giving him commands not to reach, let me see your hands, let me see your hands. I saw him bring it up. And then after a period of time, he reaches back down, and then multiple officers, you know, stop reaching, let me see your hands, let me see your hands. He'll come back up, back and forth for a little bit. Then another officer, she responds to the scene, started giving him commands in Spanish, as well. And then I heard "red light, red light" which is the signal for like less lethal option. He was--I believe he was struck with the bean bag. Or the ERIW round. And then the officer, she starts giving commands in Spanish again. Shortly after that, he reached down again and then I saw a muzzle flash. Yeah, he reached down with his left hand, came out, saw a muzzle flash. I fell back. Stood up and then returned fire. And then after everything settled in terms of like the shots being fired, I saw a girl come from the back seat, from the back windshield, and then there was a clearing team for the rest of the car and they pulled the person from the trunk out

of the trunk and started rendering aid to him while keeping--while at the same time trying to get the girl out of the car. After that, again, they were rendering aid. I can remember someone saying, "Getting out an AED?" And then I went to go look in the--one of the trunks for that and then the medics came on scene shortly after that and took over medical care. And then after that anyone who was involved in the incident met with the Lieutenant, and then we were taken back to Mission Station.

SGT. TORRES: Okay. So Officer Tupper, when did you turn on your body camera? BWC?

OFFICER TUPPER: I think--I don't even remember turning it on. That I guess was just reactionary.

SGT. TORRES: Okay. Let me ask you this. I should have asked you, when did you activate your body worn camera?

OFFICER TUPPER: It was either before--I think it was after I was already propped up against the door with the rifle.

SGT. TORRES: Okay. Was your body worn camera on, prior to activating it?

OFFICER TUPPER: I don't recall.

SGT. TORRES: You don't recall.

OFFICER TUPPER: No.

SGT. TORRES: Okay. Because I want to make the distinction, because your body worn camera right now is off.

OFFICER TUPPER: Yes.

SGT. TORRES: And so when you activated it I assume it was on?

OFFICER TUPPER: If--yeah, I don't recall.

SGT. TORRES: Okay. Okay. So Officer Tupper, what did you--why did you pull out the rifle?

OFFICER TUPPER: Due to the nature of the call, it's--yeah.

SGT. TORRES: And the nature of the call was--

OFFICER TUPPER: A person pointing up the street saying "pistola, pistola"--

SGT. TORRES: Which is?

OFFICER TUPPER: Pistol.

SGT. TORRES: Okay. Okay. I covered this. You are rifle-trained?

OFFICER TUPPER: Yes.

SGT. TORRES: And you were trained in the Academy?

OFFICER TUPPER: Yes.

SGT. TORRES: And do you know approximately when you were trained in the Academy?

OFFICER TUPPER: No.

SGT. TORRES: With the rifle? No? Okay. Where were you positioned?

OFFICER TUPPER: On the front passenger door of our vehicle.

SGT. TORRES: And that would have been 067?

OFFICER TUPPER: Yes.

SGT. TORRES: And did you have a stable base?

OFFICER TUPPER: Yes.

SGT. TORRES: There was no gravel, nothing loose there? Okay. Did you fall down and if so can you please--can you tell me what you recall as to why you fell down?

OFFICER TUPPER: I'm not sure 100 percent what was the cause of it. I just saw the muzzle flash. So I'm not sure if it was a natural reaction to, you know, like, get out of the way to, you know, move from what, seeing the muzzle flash.

SGT. TORRES: Okay. There was--so you're not sure if you tripped or you just--you're not sure. Okay. Do you remember if your finger was indexed on the weapon or was it in the trigger well? Do

you recall?

OFFICER TUPPER: No.

SGT. TORRES: Okay. Do you--do you know if one of your rifle rounds went through the car door?

OFFICER TUPPER: No.

SGT. TORRES: You don't know.

OFFICER TUPPER: No.

SGT. TORRES: You don't know? Okay. So you fell down. You got back up. And what did you see?

OFFICER TUPPER: The person drop.

SGT. TORRES: Okay. And so had you started firing yet?

OFFICER TUPPER: As soon as I got back up, yes.

SGT. TORRES: Okay. Why did you start firing?

OFFICER TUPPER: Because he fired at me.

SGT. TORRES: Because you perceived him as a threat?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. So at that time you see the muzzle flash, you fall down, you come back up. I mean, what's going through your head? What's going through your mind? Are you afraid?

OFFICER TUPPER: Yes.

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SGT. TORRES: Fearful?

OFFICER TUPPER: Yes.

SGT. TORRES: Did your rifle on the night of March 6th, 2018, were you using iron sights or did it have optics?

OFFICER TUPPER: It had red dot.

SGT. TORRES: Red dot. Okay. So what was your sight picture when you fired?

OFFICER TUPPER: On the target or on the person in the trunk.

SGT. TORRES: Okay. And were you using two hands?

OFFICER TUPPER: Yes.

SGT. TORRES: Do you know how many times you fired?

OFFICER TUPPER: No.

SGT. TORRES: No. Why did you stop firing?

OFFICER TUPPER: I fired multiple times and, as in training, stopped to assess.

SGT. TORRES: So you stopped firing to assess. Did you fire again?

OFFICER TUPPER: No.

SGT. TORRES: Why?

OFFICER TUPPER: Because the person in the trunk wasn't moving.

SGT. TORRES: Okay. So the threat was eliminated. So he was no longer a threat.

OFFICER TUPPER: Not entirely but from what I saw at that point, yes.

SGT. TORRES: At that particular point, okay. Do you recall what the back-drop was of what you were firing at?

OFFICER TUPPER: It was all southbound Capp and then I didn't see anyone like directly behind the vehicle. Yeah, it would just be, yeah, southbound.

SGT. TORRES: So there was, at that time you're saying to us clear, you were--

OFFICER TUPPER: Yeah, fairly. There were people way off to the left but they weren't in--

SGT. TORRES: Okay. Officer Tupper, did you hear the suspect say anything prior to the shooting?

OFFICER TUPPER: No.

SGT. TORRES: No. Did you see the female in the rear of the vehicle? And if so, when did you see her?

OFFICER TUPPER: I saw her after the shooting ceased and she came up from in the window.

SGT. TORRES: And you didn't see her prior?

OFFICER TUPPER: No.

SGT. TORRES: Did anyone--did you hear anybody say anything about her prior to the shots?

OFFICER TUPPER: No.

SGT. TORRES: And no one notified you of her presence?

OFFICER TUPPER: I--no, I didn't hear that.

SGT. TORRES: Okay. Did you receive any direction from anyone, any orders, any guidance, any directions on what to do?

OFFICER TUPPER: In terms of like at what point?

SGT. TORRES: During any of this.

OFFICER TUPPER: Yes. Lieutenant Vance has said all of us who were involved in the incident would be responding back to Mission Station and await further instructions.

SGT. TORRES: Okay. Anything prior to that?

OFFICER TUPPER: Not that I can recall.

SGT. TORRES: Okay. Did you discuss a plan of action with anyone?

OFFICER TUPPER: There was brief stuff with where it was just like kind of stuff I guess we were trained to do where the arrest team assembled and then a team to clear the car came together.

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But aside from that, no.

SGT. TORRES: Okay. So you were basically allowing Officer Cassinelli to be the point person, give the driver directions, and it was--the situation was flowing because of that.

OFFICER TUPPER: Yes, because when they teach multiple people giving different types of commands, it sometimes confuse the person who's receiving the commands.

SGT. TORRES: All right. Okay. Did anybody let you know that they were going to deploy less lethal?

OFFICER TUPPER: Yes. By the signal "red light, red light".

SGT. TORRES: Okay.

OFFICER TUPPER: Yeah.

SGT. TORRES: Okay. Was there any type of plan as to what was going to happen after that?

OFFICER TUPPER: Not like a pre-meditated plan saying, this is what's going to happen, but as it was flowing we deployed less-lethal or an officer deployed less-lethal than the officer to my left, she was giving commands in Spanish again.

SGT. TORRES: Yeah. Okay. Do you know who was in charge of the incident?

OFFICER TUPPER: No.

SGT. TORRES: Did anybody take charge that you're aware of?

OFFICER TUPPER: No.

SGT. TORRES: What supervisor was on scene at the time of the shooting, if you know?

OFFICER TUPPER: The only one I can recall is Lieutenant Banta.

SGT. TORRES: Was he there at the time of the shooting?

OFFICER TUPPER: Oh, no. No.

SGT. TORRES: So you don't know what supervisor was on scene prior to the shooting?

OFFICER TUPPER: No, I don't.

SGT. TORRES: Okay. And you don't--you weren't given any directions as to--you didn't hear anybody giving out directions behind you?

OFFICER TUPPER: No, not that I recall.

SGT. TORRES: Okay. And your focus was on the trunk.

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. And the warnings given, they were primarily in Spanish?

OFFICER TUPPER: They were both in English and Spanish.

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SGT. TORRES: And Spanish. And you considered them to be clear?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Do you think any other forms of force options were available to you? And if you don't think any were available or if they were, can you discuss the reasonableness of them, the feasibility or not feasibility of them, in their application to what you encountered? So if you chose not to use the different tools that you had, which is fine, but tell me why you didn't use them. Why they wouldn't have been applicable.

OFFICER TUPPER: I think we did the best we could with the situation that was given. And due to, again, circumstance of everything that was going on, I think we chose the right options.

SGT. TORRES: Right. So would it have been reasonable to use your pepper spray?

OFFICER TUPPER: No.

SGT. TORRES: Why?

OFFICER TUPPER: Because we'd have to break concealment in order to get into an effective range to utilize pepper spray.

SGT. TORRES: Okay. How about your baton?

OFFICER TUPPER: No.

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SGT. TORRES: Why?

OFFICER TUPPER: Again, we'd have to break cover or concealment to get within effective striking range.

SGT. TORRES: Okay. And to physically, you know, take custody of him?

OFFICER TUPPER: We'd have to break concealment--

SGT. TORRES: Right. Okay. Officer Tupper, how long did the incident last till you were flagged down, if you recall, to when shots were fired? How long did that last?

OFFICER TUPPER: I can't say for certain just because everything felt like it moved really quickly. So, in terms of like relativity of the time, I'd say it was really skewed. I wouldn't be able to give--

SGT. TORRES: Okay. And as I said you wouldn't--you're not certain of how long that the whole incident lasted.

OFFICER TUPPER: No.

SGT. TORRES: Is that fair to say? Okay. You may or may not have seen but did you--you just talked about having to break cover. Did you see any of that going on? Did you see officers who

weren't behind cover or concealment?

OFFICER TUPPER: No, I was primarily focused on the trunk.

SGT. TORRES: Okay. So when did you turn off your BWC?

OFFICER TUPPER: Back at Mission Station?

SGT. TORRES: Back at Mission Station. Okay. So you may have turned it off sooner than that but where I'm trying to get to the point is--and it's been awhile, stressful situation, it's not a big deal. I'm trying to--what I'd like to know is why did you turn it off at the time you turned it off?

OFFICER TUPPER: We were instructed to turn it off.

SGT. TORRES: Oh, who instructed you to turn it off?

OFFICER TUPPER: I don't even recall.

SGT. TORRES: You don't recall.

OFFICER TUPPER: No.

SGT. TORRES: Okay. Okay, do you know the order regarding BWC? And again, Officer Tupper, it's--if you're not sure, just say that, okay? If you don't recall, just say that. But do you know the body camera order, you know, when you're supposed to turn it off and for what reasons? You

know, without reviewing it?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. All right. Do you remember giving a Public Safety statement? And if you do, do you remember to whom you gave that statement to? Do you know what a Public Safety statement is?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay.

OFFICER TUPPER: Yeah. Sergeant Shugars.

SGT. TORRES: Sergeant Shugars, okay. After the shooting, were you separated and monitored?

OFFICER TUPPER: We were separated, yes.

SGT. TORRES: Okay. Did someone stay with you until Homicide Inspectors spoke with you?

OFFICER TUPPER: The--

SGT. TORRES: And they didn't necessarily have to be sitting right next to you but--

OFFICER TUPPER: Like the BSU or--think it was the critical incident response team, like peer support?

SGT. TORRES: Okay. So when you left the scene, did you--where did you go?

OFFICER TUPPER: To Mission Station.

SGT. TORRES: And at Mission Station, where

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were you?

OFFICER TUPPER: Upstairs in a Sergeants' office that--towards the--is that the northeast end of the station.

SGT. TORRES: Okay. And who was with you?

OFFICER TUPPER: Sergeant Shugars initially. And Sergeant Mahoney from--he was my Critical Incident Response Team.

SGT. TORRES: Okay.

OFFICER TUPPER: Support.

SGT. TORRES: Did you discuss the incident with anyone prior to meeting with your Counsel?

OFFICER TUPPER: I think just aside from the safety statement?

SGT. TORRES: Yes. Not counting the Public Safety statement.

OFFICER TUPPER: Oh, no.

SGT. TORRES: No. Okay. Is that Sergeant Eric Mahoney?

OFFICER TUPPER: I'm not sure.

[redacted]

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SGT. TORRES: [redacted] But this is your first time being directly involved in the shooting?

OFFICER TUPPER: Yes. Yeah.

SGT. TORRES: Okay. All right. Did you suffer any physical injuries as a result of this incident?

OFFICER TUPPER: No.

SGT. TORRES: Has this incident impacted you in any ways with regard to lost sleep, appetite, anxiety, any of that, which is frankly normal. You know? The reason I ask is I just want to make sure that you're aware of BSU, the CERT team, there's people to talk to. There's resources that are available to you. I remember in an incident I had, it didn't hit me till later so please, if there's any incident, there's anything going on, talk to someone, seek out, and it's all private--you don't have to tell me. I just want to make sure you're aware of the resources that are available. And are you aware of them?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. Sergeant Ospital?

SGT. OSPITAL: Yeah, I just have a few, just to kind of--they're gonna be basic but just kind of we're going to go back to like some stuff in the beginning, okay? You said you were on Capp, going southbound? And you said somebody jumped out or flagged you down and said, "Pistola, pistola"? And then you said somebody jumped in the car. What--I mean, did they just--all of a sudden you looked, they jumped at the car? Did they go from one particular spot or you saw them and they ran to a car or--

OFFICER TUPPER: Literally like dove into the--in the trunk--into the trunk of a car.

SGT. OSPITAL: Okay. So when you saw that person jump in the car, that's all you saw. You got flagged down. You heard "Pistola, pistola," and then somebody jumped in the car and that person didn't run from like Point A to Point B or--

OFFICER TUPPER: I just saw the person dive into the car.

SGT. OSPITAL: Okay. And then you said the car pulled out. Was the car parked or was it backed in or how--

OFFICER TUPPER: It was slightly canted like this. It pulled right here. Or it pulled out

as we came behind it. And as soon as the lights came on, just pulled back.

SGT. OSPITAL: Okay. So it wasn't like this car was just like sitting there and this person got into a parked car and looked like this car was ready to go somewhere.

OFFICER TUPPER: Yes.

SGT. OSPITAL: Okay. And you said you were focused on the trunk. And why were you focused on the trunk of this particular car that was just all of a sudden pulling out?

OFFICER TUPPER: Just--I guess the behavior leading up to that person pointing in that direction, saying "Pistola, pistola," and then seeing the irregular behavior of a person diving into a trunk.

SGT. OSPITAL: Okay. So, yeah. So I guess what I'm saying is to this point that you're saying, the behavior. So this wasn't like a normal thing where somebody's like leaving somewhere or walking to a car or getting into a car. They jumped into a car because it seems like something just may have occurred?

OFFICER TUPPER: Yes.

SGT. OSPITAL: And what was going through your

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mind? I guess I'm trying to--why are you thinking something's not right about this whole picture, what this person just did?

OFFICER TUPPER: The way that initial person flagging us down, his behavior, you know? I guess his body language was speaking--something, you know, serious just happened and then the fact that he was saying, "Pistola, pistola," and that can raise excitement if you're, you know, someone just presented a pistol towards you or--it made me--I guess it raised the stakes of the situation, where, oh, this is, you know, not a legitimate but there's some seriousness to what he's saying.

SGT. OSPITAL: Okay. And seriousness meaning crime possibly?

OFFICER TUPPER: Yes.

SGT. OSPITAL: Okay. And like just elaborate a little bit. Like what's going through your head. Like a crime like that?

OFFICER TUPPER: Someone just robbed him with a pistol.

SGT. OSPITAL: Okay. All right. And then just to move on further after once the car, you guys were like doing a--the 585, you said--or the felony stop, I should say, you said, "Orders were

given." How? Were they--I think you said your partner, Officer Cassinelli, was giving some orders?

OFFICER TUPPER: He was initially giving orders, just vocalizing from--

SGT. OSPITAL: Just word of mouth.

OFFICER TUPPER: Yes.

SGT. OSPITAL: Okay.

OFFICER TUPPER: And then another officer, she came like [expedient], later on scene, and she broadcast them over the PA.

SGT. OSPITAL: Okay. And then that was being done in--when she showed up, how was--her commands were being given in Spanish, I think you said?

OFFICER TUPPER: I think English as well but I'm not for a fact.

SGT. OSPITAL: Okay. And to your recollection, were those commands--were you able to understand them?

OFFICER TUPPER: They--

SGT. OSPITAL: I guess were they clear?

OFFICER TUPPER: Yes. Yes, in terms of--

SGT. OSPITAL: So--

OFFICER TUPPER: The clarity of I could understand she was speaking Spanish. Yes.

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SGT. OSPITAL: Okay. Prior to the suspect that was in the--the suspect that was in the trunk, and prior to your seeing the muzzle flash, was there like any movement that this individual made? I know you said his arm was kind of moving around his left hand, but was there any type of movement made prior to the muzzle flash that you saw? That you can recall? If you don't, you don't.

OFFICER TUPPER: Yeah, it would just be him reaching down and then the--again, it just happened quick. The quickness of, I guess, coming back out and then just a flash.

SGT. OSPITAL: Okay. And you say coming back out, what do you mean? You're making a movement with your left hand. I'm just trying to just trying to see what you're seeing.

OFFICER TUPPER: Trying to describe it better. So reaching down--

SGT. OSPITAL: Okay.

OFFICER TUPPER: From behind him and quickly presenting his hand. And then seeing a muzzle flash.

SGT. OSPITAL: Okay. And you're saying like presenting his hand, is it like--I don't want to put words in your mouth. Is it like coming towards

you or towards the officers that are on the scene?

OFFICER TUPPER: Yes.

SGT. OSPITAL: Okay. And at that point what's going through your mind?

OFFICER TUPPER: I'm just--actually just, I would say fear.

SGT. OSPITAL: Okay. So--and then you said you returned fire once you got back up. Do you remember how many rounds you fired?

OFFICER TUPPER: No.

SGT. OSPITAL: Okay. Just as far as like direction and like Sergeant Torres was asking you earlier, I guess what I just want to know, like, the direction, was there like a supervisor that you remember that was trying to coordinate anything with you guys or is it just once you guys got on there, the felony stop was in motion and you were going from there? Did a sergeant get on the air that you can recall saying, hey, let's do this, let's do that?

OFFICER TUPPER: Not that I can recall.

SGT. OSPITAL: Okay. Prior to you shooting your weapon, I know it all happened so fast, was it possible to give a verbal warning to the suspect in the trunk?

OFFICER TUPPER: In terms of me giving it?

SGT. OSPITAL: Yes. Were you able to?

OFFICER TUPPER: There were a few times I said, "Don't reach." Aside from that, I don't think I gave any verbal warnings.

SGT. OSPITAL: Okay, let's see if I can just make this a little clearer. Once you saw the muzzle flash or you saw the movement coming out and that furtive movement made by the suspect, and then you say you saw the muzzle flash, was there any time for you to give a verbal warning?

OFFICER TUPPER: Oh, no.

SGT. OSPITAL: Okay. That's pretty much it. Unless you had anything else?

SGT. TORRES: Yeah, Officer Tupper, I want to go back with regards to the car door. I asked you, "Did you fire through the car door?" You said, "No." Do you know that there was a round that went through the door from--in the direction of from inside, penetrating through the door, heading outward?

OFFICER TUPPER: No.

SGT. TORRES: You didn't know that. Okay. There was one. There is a possibility that it came from your weapon. And the reason I'm going over

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this is, again, it's for officer safety. It's for insuring that, you know, when we discharge our weapon, we're discharging it--we mean to discharge it and there's a reason why we index and not have the finger on the trigger. And so that's why I'm asking you these questions. And from what I know, there was no other--there was officers behind you, unfortunately firing. But they were .40 cal and not .223. And the round that went through the door was .223. So there--there is a possibility that when you fell, it may have discharged so I just want to make you aware of that. And I say that, you know, because if you don't know what happened, you can't take preventive measures in the future. Does that make sense?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. I'm not saying you did it. Just everything points towards that. Okay, so--Mr. Nobles, do you have anything?

POA ATTY. NOBLES: If I may take a moment. [UNINTELLIGIBLE] nothing's--just real quickly, just to further clarify. When you said you fell, did you lose sight of suspect at that time when you fell?

OFFICER TUPPER: Yes. From when--going by

my door. And then till I stood up.

POA ATTY. NOBLES: And how quickly did that transfer occur?

OFFICER TUPPER: Seconds.

POA ATTY. NOBLES: And when you reacquire, did you lock in on the subject again?

OFFICER TUPPER: Yes.

POA ATTY. NOBLES: Okay. And you stated earlier that you stopped firing because the threat was--there was no longer a threat. Is that--

OFFICER TUPPER: Yes.

POA ATTY. NOBLES: Is that accurate? And then I want to go back a little bit. Forgive me for bouncing around a little bit but I wanted to touch on this as well. There was a question rather regarding whether or not less-lethal could have been used when you weren't sure. I believe you were observing this person coming out with the hand, concealing it, coming out. I just want to hear from your perspective why it wasn't safe to approach that person with less-lethal under those circumstances?

OFFICER TUPPER: Because the nature of the call was someone had just committed a robbery with a pistol.

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POA ATTY. NOBLES: All right. Right. And you're trained that someone is considered to have a pistol, that--

OFFICER TUPPER: To treat it as such.

POA ATTY. NOBLES: Okay. All right. And that's what you were doing at the time.

OFFICER TUPPER: Yes.

POA ATTY. NOBLES: All right. That's all I have.

SGT. TORRES: Okay. So Officer Tupper, is there any other information relevant to this incident that I haven't asked you about that you believe may aid me in my Administrative investigation? Anything you'd like to add?

OFFICER TUPPER: No.

SGT. TORRES: Okay. All right. Because this is a confidential investigation, you are ordered not to speak to this interview--speak about this interview to anyone else, other than your representative. Do you understand that?

OFFICER TUPPER: Yes.

SGT. TORRES: Okay. All right. At this time, this concludes the interview and the time is 06:41 hours.

END OF DOCUMENT

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DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	CSI COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
DATE:	3/22/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Wednesday, March 27, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER RAYMOND ORTIZ #4189	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	4/3/2019 at 02:30PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached is the CAD related to this case. Please bring your CSI Report and any relevant material.

San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
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ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached is the CAD related to this case. Please bring your CSI Report and any relevant material.

SP180654174 A 221 PERSON W/GUN CAPP ST/20TH ST, SF

[03/06/2018]

22:36:02	DT14	[redacted]	CREATE	Location:CAPP ST/20TH ST, SF Type:000 DAREA:3D Area:433 TypeDesc:MISC LocDesc:<500/ 3450> Priority:C Agency:SP Map:A3
22:36:02	DT14	[redacted]	ENTRY	Sector/Stn:D3 Map:A3
22:36:02	DT14	[redacted]	DISPOS	3D13E Location:CAPP ST/20TH ST, SF Operator[redacted] OperNames:TUPPER, JOSHUA C. #4115; CASSINELLI,STEPHEN F #1104
22:36:02	DT14	[redacted]	PRIU	3D13E
22:36:02	CADAPP	TIB	PREMIS	Comment:PPR, FPR
22:36:06	DT14	[redacted]	MISCN	3D13E Comment:C33
22:36:07	DT06	[redacted]	MISCN	3D13E Comment:C33
22:36:08	K086	[redacted]	BACKER	3D15D Operator[redacted] OperNames:CHUI,LOREN A. #1306
22:36:09	K086	[redacted]	PRIOR	PremType:PPR 3D15D
22:36:12	K086	[redacted]	RI	3D15D
22:36:16	DT14	[redacted]	MISCN	3D13E Comment:FLAGGED DOWN ABOUT 221....
22:36:27	DT06	[redacted]	MISCN	3D13E Comment:FLAGGED DOWN BY 909 RE SOMEONE RUNNING AWAY -- BLK HONDA CIVIC NO LP - 2 OCC SAFE AVE APPR SB CAPP FROM 19TH
22:36:27	DT14	[redacted]	MISCN	3D13E Comment:BLK HONDA CIVIC NO LPS...SAFE AVE SB CAPP FROM 19TH
22:36:30	DT10	[redacted]	MISCN	3D13E Comment:SOMEONE RUNNING AWAY WITH A PISTOL /...2AB BLK HONDA CIVIC..
22:36:41	DT14	[redacted]	CHANGE	3D13E Type:000->221 TypeDesc:MISC->PERSON W/GUN Priority:C->A Class:F:3PAT
22:36:45	DT10	[redacted]	MISCN	3D13E Comment:SAVE AVE IS SB CAPP FROM 19TH
22:36:47	K041	[redacted]	BACKER	3D14E Operator[redacted] OperNames:O'ROURKE,SEAN #2214
22:36:49	DT14	[redacted]	MISCN	3D13E Comment:2AB
22:37:07	K292	[redacted]	BACKER	3D15E Operator[redacted] OperNames:DEQUIS,JOSHUA #334; ROMAN,BAYARDO #2373
22:37:10	DT14	[redacted]	CLOS	3D13E Location:CAPP ST/20TH ST, SF->CAPP ST/21ST ST, SF LocDesc:<500/ 3450>-><600/ 3150>
22:37:10	DT10	[redacted]	MISCN	3D13E Comment:CAPP/21ST
22:37:21	K292	[redacted]	RI	3D15E
22:37:22	DT14	[redacted]	ONSCN	3D15D
22:37:32	DT14	[redacted]	BACKER	3D113 Location:CAPP ST/21ST ST, SF->CAPP ST/20TH ST, SF Operator[redacted] OperNames:CALDERA,LEONARD #498
22:37:32	DT14	[redacted]	BACKER	3D70
22:37:44	K028	[redacted]	BACKER	3D11E Location:CAPP ST/20TH ST, SF->CAPP ST/21ST ST, SF Operator[redacted] OperNames:KAJASA,SANJA #2058
22:38:03	K166	[redacted]	BACKER	3D11D Location:CAPP ST/21ST ST, SF->CAPP ST/20TH ST, SF Operator[redacted] OperNames:ANDALUZ ,MATTHEW #1851; BANEGAS,MILEN #963
22:38:05	K166	[redacted]	ONSCN	3D11D
22:38:10	K292	[redacted]	ONSCN	3D15E
22:38:12	K028	[redacted]	ONSCN	3D11E
22:38:35	DT06	[redacted]	MISCN	3D13E Comment:CONDUCTING FELONY STOP
22:38:35	DT14	[redacted]	MISCN	3D11E Comment:FELONY STOP
22:38:41	DT14	[redacted]	BACKOS	3D41D Location:CAPP ST/20TH ST, SF->CAPP ST/21ST ST, SF Operator[redacted] OperNames:SANTANA,BRYAN M. #2097; NAGAI,NICHOLAS #2017
22:38:46	DT10	[redacted]	MISCN	3D41D Comment:ONE IN THE TRUNK OF THE VEH
22:38:55	DT06	[redacted]	MISCN	3D13E Comment:1 PERSON IN TRUNK -- 1 IN CUST
22:38:55	DT14	[redacted]	MISCN	3D41D Comment:1 SIC, 1 STILL IN TRUNK
22:39:16	DT10	[redacted]	CLOS	3D13E Location:CAPP ST/21ST ST, SF->21ST ST/CAPP ST, SF LocDesc:<600/ 3150>-><3150/ 600>
22:39:16	DT10	[redacted]	CLOS	3D70
22:39:16	DT10	[redacted]	CLOS	3D113
22:39:16	DT10	[redacted]	CLOS	3D11D
22:39:16	DT10	[redacted]	CLOS	3D11E

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SFDPA - 0097-18 - 000742

22:39:16	DT10	[redacted]	CLOS	3D14E
22:39:16	DT10		CLOS	3D15D
22:39:16	DT10		CLOS	3D15E
22:39:16	DT10		CLOS	3D41D
22:39:31	DT14		ONSCN	3D113
22:41:22	DT14		MISCN	3D113 Comment:MAINTAINING C33 ON A4 ONLY
22:41:24	DT10		MISCN	3D11E Comment:NEED A SPANISH SPEAKING OFFICER TO ASSIST
22:41:36	DT10		MISCN	3D11E Comment:3D204 MONITORING
22:41:46	DT14		MISCN	3D113 Comment:SPANISH SPEAKER 97
22:42:07	DT10		MISCN	3D113 Comment:406******
22:42:08	DT14		MISCN	3D113 Comment:406
22:42:12	DT06		MISCN	3D113 Comment:NOT A 406
22:42:15	SP04		MISCN	3D113 Comment:NOT A 406
22:42:15	DT10		MISCN	3D113 Comment:NOT A 406
22:42:16	DT14		MISCN	3D113 Comment:NO 406
22:42:20	DT15		BACKER	3E14E Operator[redacted] OperNames:COWHIG,AARON #2084; ZAPANTA,JHOANA #898
22:42:23	DT06		MISCN	3D113 Comment:SUFF UNITS OS
22:42:25	DT17		MISCN	Comment:SH UNITS 97
22:42:25	DT10		MISCN	3D113 Comment:SH UNITS OS
22:42:26	SP04		MISCN	3D113 Comment:WE HAVE SUFFICIENT UNITS OS
22:42:34	K373		BACKER	3C15D Operator[redacted] OperNames:WASSERMAN,DAVID #4360
22:42:39	DT17		MISCN	Comment:21ST/CAP NEEDS S 408 C3
22:42:39	DT10		ASSOC	Service:F Event:#1[redacted] Type:221->XM Agency:SP->SF Comment:C/D
22:42:45	K095		BACKER	3B11E Type:XM->221 Operator:A22128 OperNames:DELGADO,NICHOLAS P. #2415
22:42:46	DT06		MISCN	3D113 Comment:STILL HAVE 1 IN VEH -- HAVE 408 STAGE
22:42:48	DT17		MISCN	Comment:HAVE 408 STAGE AND 21ST/CAPP
22:42:48	DT14		ASSOCX	
22:42:48	DT14		ASSOC	Service:F Event:#1[redacted] Type:221->XM Comment:408 TO STAGE C3
22:42:50	DT10		MISCN	3D113 Comment:MEDICS STAGE 21/CAPP*&******
22:42:58	DT05		INFO	Location:21ST ST/CAPP ST, SF->643 CAPP ST, SF Type:XM->216 Area:433->444 TypeDesc:PERSON W/GUN->SHOTS FIRED LocDesc:<3150/ 600>->btwn 21ST ST and 22ND ST LocCross:btwn 21ST ST and 22ND ST Comment:RP STATES SHE HEARD A BUNCH OF 216'S...ADV PD 97 IAO
22:42:58	DT05		ALI	E911Phone[redacted] AliLatitude:-122.418337 AliLongitude:37.75516000 Confidence:100 Uncertainty:4043
22:43:01	DT14		MISCN	3D113 Comment:NOT A 406 SH
22:43:01	K314		BACKER	4T9I Location:[redacted], SF->21ST ST/CAPP ST, SF Type:216->221 Operator:[redacted] OperNames:LIDDECOET,MICHELLE #1274
22:43:04	DT10		MISCA	3D113 Comment:MEDICS STAGE 21ST / CAPP
22:43:14	K050		BACKER	3B13E Operator[redacted] OperNames:CORNEJO-RODRIGUEZ, ANITA #332; LEE,NATHAN #4285
22:43:18	SP03		MISCN	Comment:DOC PSA NOTIFIED ABOUT SHOTS FIRED BY DEM WONG. THEY WERE ALREADY MONITORING. OFFICERS TO MAKE THEIR OWN NOTIFICATIONS
22:43:19	K350		BACKER	3C12E Operator[redacted] OperNames:ZAHN, BRYAN #4303
22:43:24	K095		RI	3B11E
22:43:37	K318		BACKER	3F43D Operator[redacted]A21811 OperNames:SMALLY,FREDRICK R. #2737; WILLIAMS,D'ANDRE #1937
22:43:39	DT14		MISCA	3D113 Comment:408 TO STAGE....1 STILL IN TRUNK
22:43:44	K373		RI	3C15D
22:43:46	K095		RI	3B11E
22:44:05	DT15		PRMPT	3E14E Comment:Preempted and dispatched to call #180654163
22:44:17	K091		BACKER	3J12E Operator[redacted] OperNames:SMITH,AMBER D .#1031
22:44:19	K091		RI	3J12E

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SFDPA - 0097-18 - 000743

22:44:26	SP03	[redacted]	MISCN	Comment:DOC PINELLI CHECKED IN FOR CAD #
22:44:30	K350		RI	3C12E
22:44:31	K095		RI	3B11E
22:44:32	K029		BACKER	3B47 Operator[redacted] OperNames:MCKELLEY,BRANDON #2343
22:44:36	K192		BACKER	3A11D Operator[redacted] OperNames:MCAULIFFE,ZACHARY MEAD #1752; ELROD,RYAN #2056
22:44:40	K029		RI	3B47
22:44:45	K192		RI	3A11D
22:44:48	DT12		BACKER	3J90 Operator[redacted] OperNames:LUCIA,GRIFFIN J #1531
22:44:52	DT10		MISCN	Comment:SAFE AVE OF APPROACH?
22:44:58	DT10		MISCN	Comment:3D104 97 ON CAPP
22:45:00	K095		ONSCN	3B11E
22:45:01	K138		BACKER	3J14D Operator[redacted] OperNames:LATIMORE HAVEN B #207
22:45:01	DT14		BACKOS	3D104 Operator[redacted] OperNames:SHUGARS,MICHAEL #1747
22:45:04	K138		RI	3J14D
22:45:10	DT10		MISCN	Comment:3D106 97
22:45:12	DT14		BACKOS	3D106 Operator[redacted] OperNames:BARCENA,OSCAR #1715
22:45:14	K319		BACKER	3C60 Operator[redacted] OperNames:COPE,TYLER J. #677
22:45:14	DT16		BACKER	3J41E Operator[redacted] OperNames:BUTHERUS,PATRICK #254
22:45:17	K138		MISCN	3J14D Comment:C4 FROM TURKAND TAYLOR
22:45:17	K138		RI	3J14D
22:45:26	K319		RI	3C60
22:45:32	DT12		BACKER	3J13E Operator[redacted] OperNames:DAVIS MICHAEL D. #160
22:45:32	K050		ONSCN	3B13E
22:45:39	K192		RI	3A11D
22:45:50	DT14		MISCN	3D104 Comment:22/CAPP
22:45:50	DT10		MISCN	Comment:SOMEONE BLOCK OFF 22/CAPP
22:45:51	DT06		MISCN	3D113 Comment:BLOCK OFF 22ND/CAPP
22:45:53	SP04		MISCN	Comment:PD UNIT TO 22ND/CAPP
22:45:53	DT17		MISCN	Comment:HAVE SOMEONE BLOCK OFF 22ND/CAPP
22:45:55	K067		BACKER	3J11E Operator[redacted] OperNames:WILLIS,BRANDON J.
22:45:58	DT06		BACKOS	3C12D Operator[redacted] OperNames:HAWES,NIKOLAOS #4335; WISE,RICHARD #4208
22:45:58	DT14		CLOS	3C12D Location:21ST ST/CAPP ST, SF->22ND ST/CAPP ST, SF LocDesc:btwn 21ST ST and 22ND ST-><3150/ 700>
22:45:59	DT12		MISCN	Comment:****SAVE AVE SB CAPP*****
22:46:00	K067		RI	3J11E
22:46:03	DT10		CLOS	3C12D
22:46:04	DT06		MISCN	3D113 Comment:SEND 408 IN
22:46:06	DT17		MISCN	Comment:SEND 408 IN
22:46:06	DT14		MISCA	3D113 Comment:SEND IN 408
22:46:07	SP04		MISCN	3D113 Comment:***SEND 408 IN***
22:46:10	K350		ONSCN	3C12E
22:46:18	DT06		MISCN	3D113 Comment:408 CAN COME IN ON 22ND
22:46:24	DT10		MISCN	Comment:C4, 221 IN THE VEH
22:46:26	DT17		MISCN	Comment:C4
22:46:31	DT06		MISCN	3D113 Comment:C4 -- GUN IN VEH
22:46:31	DT14		MISCA	3D113 Comment:408 COMJE IN ON 22/CAPP...221 IN VEH
22:46:32	K318		CLEAR	3F43D Dispo:ND
22:46:35	DT10		MISCN	Comment:3D113 STARTING CPR
22:46:38	DT06		MISCN	3D113 Comment:STARTING CPR
22:46:39	DT16		BACKOS	3J14E Location:22ND ST/CAPP ST, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:HALLIGAN ANTHONY J. #182
22:46:40	DT14		MISCN	3D113 Comment:CPR IN PROGRESS
22:46:43	K090		BACKER	3B14D Operator[redacted] OperNames:YEE,JARROD #4255
22:46:46	K319		RI	3C60
22:46:53	K067		ONSCN	3J11E
22:46:58	DT10		MISCN	Comment:SH HELP OS
22:47:01	K091		RI	3J12E
22:47:06	DT14		BACKOS	3D204 Operator[redacted] OperNames:BANTA,RONALD #2251

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22:47:08	DT16	[redacted]	ONSCN	3J41E
22:47:09	K090		RI	3B14D
22:47:14	DT10		MISCN	Comment:3D204 97.. GO ON AN ALL C4 SH HELP OS
22:47:30	K138		ONSCN	3J14D
22:47:31	DT14		MISCN	3D204 Comment:OIS?...AFFIRM
22:47:38	K138		RI	3J14D
22:47:45	K373		RI	3C15D
22:47:46	DT16		BACKOS	3B45 Operator[redacted] OperNames:NEVAREZ,JESUS J. #2162; CHAN,DEREK B. #643
22:47:49	SP04		MISCN	Comment:POA TO COME IN TO ASSIST. GO ON ALL
22:47:50	DT14		MISCN	3D204 Comment:ON AN ALL POA REP TO RESPIND
22:48:03	SP04		MISCN	Comment:3J12E, I'M A POA REP
22:48:12	K192		CLEAR	3A11D Dispo:ND
22:48:15	DT17		MISCN	Comment:3D204 NEEDS A POA REP TO COME ASSIST
22:48:29	DT14		MISCN	3D204 Comment:ANOTHER CHANNEL FOR THIS
22:48:30	SP01		MISCN	3D204 Comment:ANOTHER CHANNEL ...
22:48:38	DT14		MISCN	3D204 Comment:OUTSIDE UNITS TO HAN DISTRICT
22:48:42	DT17		MISCN	Comment:HAVE OUTSIDE UNITS HANDLE CALLS.....
22:48:46	DT17		MISCN	Comment:M63 97
22:48:47	DT14		MISCN	3D41D Comment:M63 97
22:49:16	DT12		ONSCN	3J90 Comment:21/CAPP
22:49:17	K041		MISCN	3D14E Comment:STARTING CRIME SCENE LOG
22:49:22	DT17		MISCN	Comment:3D204 EVERYONE INVOLVED KEEP BODY CAMERAS ON ... DONT FOOL WITH THEM WILL ADV LATER
22:49:26	DT14		MISCN	3D204 Comment:ALL BWC ON FOR NOW...WILL ADV
22:49:30	DT16		BACKOS	3B102
22:49:30	DT16		BACKOS	3B100 Operator[redacted] OperNames:PEDROZA,ANTHONY #4094
22:49:30	DT16		BACKOS	3B114
22:49:33	DT10		PRMPT	3C15D Comment:Preempted and dispatched to call #1[redacted]
22:49:38	DT16		XPRMPT	3B102
22:49:38	DT16		XDISP	3B103
22:49:38	DT16		ENRTE	3B103
22:50:00	K082		BACKER	3B15D Operator[redacted] OperNames:LEDESMA,NIKO C. #2733
22:50:00	DT16		ONSCN	3J12E
22:50:04	K082		ONSCN	3B15D
22:50:10	DT16		BACKOS	3J15D Operator[redacted] OperNames:CASEY, DANIEL #4139; SARCOS,SONYA #2377
22:50:10	DT16		BACKOS	3J53D Operator[redacted] OperNames:NAVALLE,JOSEPH A. #2447; CAVANAUGH,KATHLEEN (#575)
22:50:21	DT17		MISCN	Comment:3D113 ... ANY OFFICERS INVOLVED IN THIS OIS 904 IFO THE PARKING GARAGE
22:50:23	DT14		MISCN	3D113 Comment:904 IFO PARKING GARAGE 97
22:50:24	K091		ONSCN	3J12E
22:50:32	SP04		MISCN	Comment:ANY OFCRS INVOLVED IN OIS 904 3D113 IFO PARKING GARAGE
22:50:41	DT16		BACKOS	3B12D Location:21ST ST/CAPP ST, SF->20TH ST/CAPP ST, SF Operator:[redacted] OperNames:MARCIC,MICHAEL #817; FIORELLO,JENNIFER #169 Comment:STOPPING TRAFFIC
22:50:47	DT14		BACKER	3F12E Location:20TH ST/CAPP ST, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:GALLAGHER,JASON #1422
22:50:51	DT17		MISCN	Comment:3F12E IS A POA REP
22:51:18	K322		RI	3B12D
22:51:21	DT14		BACKER	5X112 Operator[redacted] OperNames:BYRNE,KEVIN #4218
22:51:21	DT14		BACKER	5X116 Operator[redacted] OperNames:ROCHE,AISLIN #4354
22:51:25	DT09		BACKER	3X301 Operator[redacted] OperNames:SILVERMAN,SIMON #1543
22:51:32	DT14		BACKOS	3E16E Operator[redacted] OperNames:OSPITAL,JEFFREY T. #994
22:51:32	K314		CLEAR	4T9I Dispo:HAN Comment:CODE 4 PRIOR TO ARRIVAL
22:51:53	DT14		ONSCN	3D204
22:52:01	DT14		MISCN	3D204 Comment:WILL ASSUME COMMAND

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22:52:03	DT17	[redacted]	MISCN	Comment:3D204 GOT THE BRIEFING FROM 3D113 AND ASSUMING COMMAND
22:52:17	DT14		MISCN	3D204 Comment:[redacted]...600-BLK BLOCKED OFF
22:52:42	DT17		MISCN	Comment:********* INCIDENT CALLED [redacted].... BLOCK OFF THE WHOLE 600 BLK...UNITS NOT TALKING TO WITNESS ETC.. BLOCK OFF THE STREET
22:52:53	DT10		BACKER	5X34A Operator[redacted] OperNames:WILSON,GLEN #627
22:53:22	DT14		MISCN	3D204 Comment:626 CAPP CROSS OF 21ST
22:53:56	DT17		MISCN	Comment:3D113 ADV UNITS THAT ARE CHECKING PREMISE'S TO PUT IN CAD
22:54:43	K330		RI	3F12E
22:55:07	K050		RI	3B13E
22:55:15	K166		RI	3D11D
22:55:18	DT13		BACKOS	4T2G
22:55:29	K070		BACKER	3D114 Operator[redacted] OperNames:RUSSELL,JOSEY #1030
22:55:33	DT06		MISCN	3C12D Comment:DELIVERING THE HNT TRUCK .. WHERE DOES IT NEED TO GO
22:56:23	K072		BACKER	3B13D Location:21ST ST/CAPP ST, SF->20TH ST/CAPP ST, SF Operator[redacted] OperNames:CASTELLANOS,ANTHONY #1173; HOANG,DAVID C.
22:57:36	DT14		MISCN	3D204 Comment:3J41E WILL BE INTIAL
22:57:39	DT14		CASE	Case#[redacted]3J41E Location:20TH ST/CAPP ST, SF->CAPP ST/20TH ST, SF Dispo:HAN TypeDesc:SHOTS FIRED->PERSON W/GUN LocDesc:<3150/ 700>->at CAPP ST/20TH ST, SF
22:57:42	DT17		MISCN	Comment:3D204 THE ENTIRE CREW WAS INVOLVED.... NEEDS THE OUTSIDE UNIT TO DO THE REP
22:58:13	DT17		MISCN	Comment:3J41E WILL HANDLE AND BE THE INITIAL
22:58:43	K344		RI	3B45
22:58:53	DT14		ONSCN	3D114
22:58:58	K113		RI	3J13E
22:59:08	K330		ONSCN	3F12E
22:59:38	DT06		MISCN	3D204 Comment:ALL UNITS INV'D 3B100 97 HAN ALL ADMIN PORTION PART.. HAN 3B114 CRIMINAL INV
22:59:38	DT14		MISCN	3D204 Comment:3B100 97 WILL HAND ADMIN PORTION OF INCIDENT....3B114 WILL COORDINATE CRIMINAL 7I
22:59:44	DT10		MISCN	3C60 Comment:CHECKING ON WELL BEING COMPLETE ON CAPP FROM 21-22ND BOTH SIDES OF THE ST
22:59:49	DT14		MISCN	3D113 Comment:UNITS DOING CPR TO 904 IFO VEH 124
22:59:53	DT12		MISCN	3B45 Comment:HANDLING A'S IN THE MSN PER LT
22:59:56	DT14		MISCN	3D204 Comment:ALL MSN UNITS INVOLVED
23:00:05	DT06		MISCN	3D204 Comment:ALL MISSION UNITS ARE INVOLVED .. 3X300 WILL TAKE COMMAND OF INCIDENT
23:00:09	K189		RI	3J90
23:00:09	K050		CLEAR	3B13E Dispo:ND
23:00:13	DT06		BACKER	3D300 Location:CAPP ST/20TH ST, SF->21ST ST/CAPP ST, SF
23:00:15	DT12		BACKOS	3B5E Location:21ST ST/CAPP ST, SF->20TH ST/CAPP ST, SF Operator[redacted] OperNames:CHING, JOHN #1396
23:00:40	DT14		MISCN	3D204 Comment:COMMAND VAN TO RESPIND TO 21/JUST WEST OF CAPP
23:00:56	K082		RI	3B15D
23:01:35	K296		RI	3E16E
23:01:51	DT16		CLEAR	3B103
23:02:25	K138		RI	3J14D
23:04:08	DT14		ONSCN	5X112
23:04:08	DT14		ONSCN	5X116
23:04:08	DT14		ONSCN	5X34A
23:04:27	K296		RI	3E16E
23:04:28	DT14		MISCN	3D15E Comment:HALF OD 11D IS W/ VIC FOR SPANISH TRANSLATION
23:05:08	K082		RI	3B15D
23:05:10	DT12		MISCN	3B47 Comment:TR'G 2 Q2'S BACK TO CO D

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23:05:18	DT12	[redacted]	ONSCN	3B47
23:05:19	DT12		TRANSP	3B47 Location:20TH ST/CAPP ST, SF->MISSION STATION, SF LocDesc:at CAPP ST/20TH ST, SF->at 630 VALENCIA ST, SF LocCross:btwn 21ST ST and 22ND ST->btwn CLARION AL and SYCAMORE ST
23:05:19	DT10		CLOS	3C60 Location:MISSION STATION, SF->22ND ST/CAPP ST, SF LocDesc:at 630 VALENCIA ST, SF-><3150/ 700> Comment:BLOCKING TRAFFIC
23:05:21	DT06		MISCN	3C60 Comment:22ND/CAP
23:05:23	K029		RI	3B47
23:05:53	DT06		MISCN	3D113 Comment:ONE MALE AND ONE X NEED TO BE TX'D TO THE CO
23:06:11	DT14		MISCN	3D113 Comment:UNITS TO TRANSPORT 1 MALE AND 1 X TO THE CO
23:06:40	DT14		MISCN	3E16E Comment:TAKING CONTROL OF THE INNER CRIME SCENE...ANY UNIT ENTERING NEEDS TO CHECK IN WITH 3E16E
23:06:43	K029		RI	3B47
23:06:52	K113		CLEAR	3J13E Dispo:ND Comment:COVER
23:07:23	DT06		MISCN	3D204 Comment:INTERPERM .. OUTERPERIMETER .. STEP ONE SQUAD TO HAN THE DISTRICT
23:07:31	DT06		ONSCN	3D300
23:07:31	DT14		ONSCN	3D300
23:07:45	DT14		MISCN	3D204 Comment:HAVE INNER PERIME AROUND THE CRIME SCENE...STEP 1 SQUADS TO HANDLE DISTRICT RUNS
23:07:56	K082		RI	3B15D
23:08:02	K166		RI	3D11D
23:08:21	K067		MISCN	3J11E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV 4 [redacted]
23:08:32	K067		CLEAR	3J11E Dispo:ND
23:08:41	DT06		MISCN	Comment:***A10 IS OPEN FOR ALL PIC/SERVICE TRAFFICE FOR MISSION AND BAYVIEW UNITS .. THE OIS WILL REMAIN ON A4*** BC'D ON AN ALL
23:08:43	K362		RI	3C12D
23:09:07	K189		CLEAR	3J90 Dispo:ND
23:10:05	DT14		MISCN	3D204 Comment:EVERYONE KEEPS CAMERAS ON
23:11:09	DT10		BACKOS	3D14D Location:22ND ST/CAPP ST, SF->21ST ST/CAPP ST, SF Operator:[redacted] OperNames:CARROLL,CORBYN M #987; SMITH-RUSSACK, ARI #4132
23:11:30	DT14		MISCN	3D204 Comment:KEEP CAMERAS ON TILL HOMICIDE COLLECTS THEM AND KEEP VEH THAT ARE 97 EMERGENCY LIGHTS AND ENGINES OFF
23:11:48	DT06		MISCN	3D300 Comment:WILL BE TAKING OVER COMMAND
23:11:53	DT14		MISCN	3D300 Comment:**3D300 TAKING COMMAND
23:13:33	K082		RI	3B15D
23:13:55	DT10		SELECT	
23:16:07	DT06		MISCN	3C12D Comment:E07 97
23:16:53	K082		RI	3B15D
23:17:08	DT14		MISCN	3E16E Comment:TAKING CONTROL OF THE INNER CRIME SCENE...ANY UNIT ENTERING NEEDS TO CHECK IN WITH 3E16E ANY ON DUTY CERT UNITS TO RESPOND TO OIS
23:17:50	K072		CLEAR	3B13D Dispo:ND
23:18:00	DT15		BACKER	3E14E Operator[redacted] OperNames:COWHIG,AARON #2084; ZAPANTA,JHOANA #898 Comment:CERT UNIT
23:18:30	DT13		BACKER	3J111
23:18:32	K082		RI	3B15D
23:18:51	DT14		MISCA	3D204 Comment:**HAVE FIRE DEPT WITH LIGHTNING EQUIP 300 FT LIT UP WITH LIGHTS BOTH SIDES OF CRIME 600-699 CAPP

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23:18:52	K319	[redacted]	ONSCN	3C60
23:18:53	K319		RI	3C60
23:18:57	K319		RI	3C60
23:19:23	DT14		BACKOS	3X400
23:20:04	DT14		MISCN	3D113 Comment:UNIT RESP WITH TAPE
23:21:39	K344		CLEAR	3B45 Dispo:ND
23:22:05	K082		RI	3B15D
23:22:21	DT14		TRANSP	3J14E Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3150/ 700>->at 630 VALENCIA ST, SF Comment:TR MALE FROM 21ST/CAPP
23:22:46	DT14		TRANSP	3D106 Comment:W/ X FROM 21ST/CAPP
23:24:06	DT14		TRANSP	3D104 Comment:W SUBJ FROM 21ST/CAPP
23:24:37	DT08		INFO	Location:MISSION STATION, SF->631 CAPP ST, SF [redacted] RPCont?:IF NEEDED Comment:**********RP WITNESSED SHOOTING ON CAPP....RP IS WILLING TO SPEAK W/ PD IF THEY NEED HIS PERSPECTIVE OF WHAT HE SAW**********
23:24:46	DT14		CMPLT	3J14E
23:25:20	K082		RI	3B15D
23:29:28	DT14		CMPLT	3D104 Comment:ADM PUBLIC SAFETY QUESTIONS
23:30:10	DT14		CHGLOC	3B14D Location:631 CAPP ST, SF->MISSION STATION, SF LocDesc:btwn 21ST ST and 22ND ST->at 630 VALENCIA ST, SF LocCross:btwn 21ST ST and 22ND ST->btwn CLARION AL and SYCAMORE ST Comment:W/X FROM 21ST/CAPP
23:32:22	DT13		BACKER	3G107 Location:MISSION STATION, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:MAHONEY,ERIC #578 Comment:98 TO THIS INCIDENT AS CERT
23:32:28	K082		CLEAR	3B15D Dispo:ND Comment:CONDUCTED TRAFFIC CONTROL ON 20TH ST AND CAPP ST. BWCS WERE NOT ACTIVATED.
23:33:22	DT14		ONSCN	3B14D
23:35:06	DT16		MISCN	3B100 Comment:CONTACT DPT FOR 2 PCO'S
23:35:48	DT16		MISCN	3B100 Comment:PER DPT NOBODY AVAILABLE
23:38:24	K138		RI	3J14D
23:38:29	DT14		MISCN	3D204 Comment:3J13D IS FTO WITH 2 RECRUITS WILL BE RIDING 3D91 UNIT INSURING HEALTH CARE WITH RECRUITS MONITORING CARE PENDING HOMICIDE
23:40:19	K362		RI	3C12D
23:41:47	DT10		MISCN	Comment:PER THE COMMAND VAN ALL STATIONS THAN CAN SPARE ONE UNIT EACH TO RESOPND TO 21ST/CAPP
23:42:17	DT09		BACKER	SP108
23:44:31	DT14		MISCN	3B100 Comment:410 PIO UNIT
23:47:47	DT14		MISCN	3J41E Comment:CSI 97
23:48:06	K049		RI	3J14E
23:49:31	DT06		MISCN	3C12D Comment:HALF WILL BE IN THE MISSION.. THE OTHER HALF WILL BE GOING TO CJ FOR TNO
23:50:43	DT14		BACKOS	5H21
23:51:18	DT14		MISCA	3D204 Comment:***NEED A UNIT TO GO TO 22ND/CAPP - OUTER PERIMETER -- ANOTHER LIGHT UNIT TO 21ST/CAPP -- THIS IS A LARGE CRIME SCENE
23:51:22	SP04		MISCN	Comment:PER 3X300, HAVE 1 2-MAN, MIDNITE UNIT FROM EACH OUTSIDE DISTRICT, GO 10-8 IN THE MISSION AND COME UP ON THE AIR AND IDENTIFY THEMSELVES
23:51:22	DT14		SELECT	
23:56:28	DT14		BACKER	3A120
23:56:40	DT14		MISCN	3A120 Comment:***AS THE PIO***
23:56:43	DT14		ONSCN	3A120
23:56:46	DT10		CLOS	3C12E Location:21ST ST/CAPP ST, SF->21ST ST/SOUTH VAN NESS AV, SF LocDesc:at 630 VALENCIA ST, SF-><3100/ 1000>

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[03/07/2018]				
00:00:42	K041	[redacted]	MISCN	3D14E Comment:REG mask: Query 1: LEVI\VIN\A\A\[redacted] Query 2: *QV/VINSN[redacted] Query 3: IA QV.CA0380100.VIN[redacted] Query 4: IV
				[redacted]
00:04:55	DT14		MISCN	3X400 Comment:WHEN 97, BECAME THE INCIDENT COMMANDER
00:05:26	DT14		CLOS	3X400 Location:21ST ST/SOUTH VAN NESS AV, SF->***INCIDENT COMMANDER***
00:06:08	K041		MISCN	3D14E Comment:SFPDMDCCMDLINE mask: Query 1: [redacted] Query 5: IN
00:08:27	K041		MISCN	[redacted] PP/Y Query 5: IN L1[redacted]
00:09:46	DT14		CLOS	3J14E Location:***INCIDENT COMMANDER***->21ST ST/CAPP ST, SF LocDesc:<3100/ 1000>-><3150/ 600>
00:09:50	DT14		TRANSP	3J14E Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3150/ 600>->at 630 VALENCIA ST, SF Comment:W/ 1
00:09:57	DT14		CLOS	3D15E Location:MISSION STATION, SF->21ST ST/CAPP ST, SF LocDesc:at 630 VALENCIA ST, SF-><3150/ 600>
00:10:03	DT14		TRANSP	3D15E Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3150/ 600>->at 630 VALENCIA ST, SF Comment:W/ 1
00:11:08	K041		MISCN	3D14E Comment:RAPS mask: Query 1: IH
				[redacted]
00:13:26	DT14		MISCN	3D204 Comment:PER INSPECTOR CAGNEY - NEED TO TX HARRIET SIDE OF HALL
00:13:30	DT14		CMPLT	3D15E
00:13:33	DT14		CMPLT	3J14E
00:14:08	DT14		TRANSP	3D15E Location:MISSION STATION, SF->HALL OF JUSTICE, SF LocDesc:at 630 VALENCIA ST, SF->at 850 BRYANT ST, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn BOARDMAN PL and GILBERT ST Comment:HOMICIDE TO THE HARRIETT ST SIDE
00:14:08	DT14		TRANSP	3J14E Comment:HOMICIDE TO THE HARRIETT ST SIDE
00:14:25	DT14		MISCN	3D204 Comment:NEED ACC TO RESPOND TO THE COMMAND POST
00:14:59	DT14		MISCN	3D204 Comment:1 DOG ON A LEASH
00:15:22	DT14		NOTIFY	3D204 Notified:ACC NOTIFIED Comment:10 MINS

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00:16:26	DT14	[redacted]	MISCN	3D204 Comment:**ALSO NEED THE 2 DET'D TO BE TR TO HOMICIDE -- THIS TRF NEEDS TO BE IN SEPARTE VEHS AS WELL
00:18:48	K362		RI	3C12D
00:19:21	K095		CLEAR	3B5E Dispo:ND
00:20:48	K253		CLEAR	3X301 Dispo:HAN
00:21:53	DT10		CMPLT	3J14E Comment:INSPECTOR MEET US ON ON HARRIET OR IN THE GARAGE?
00:22:33	DT10		MISCN	3J14E Comment:97 AT HOJ ON THE HARRIET SIDE
00:23:05	K049		RI	3J14E
00:26:55	DT14		CLOS	3X400 Location:HALL OF JUSTICE, SF->**MISSION COMMAND** Comment:INCIDENT COMMANDER
00:30:18	DT14		BACKOS	5X400 Location:**MISSION COMMAND**->21ST ST/CAPP ST, SF
00:32:56	DT14		BACKOS	5H9
00:32:59	K350		RI	3C12E
00:33:16	K350		RI	3C12E
00:35:21	K029		RI	3B47
00:35:44	DT14		ONSCN	5X400
00:37:14	DT12		CLEAR	3B47
00:38:07	DT14		MISCN	Comment:*** UNIT ADV RESD ARE NOT ABLE TO ENTER THEIR HOMES AT THIS POINT***
00:40:16	DT14		CHGLOC	3D204 Location:21ST ST/CAPP ST, SF->SOUTHERN STATION, SF LocDesc:at 850 BRYANT ST, SF->at 1251 3RD ST, SF LocCross:btwn BOARDMAN PL and GILBERT ST->btwn MISSION ROCK ST and CHINA BASIN ST Comment:***3B114 WILL BE HANDLING THE SCENE***
00:43:23	DT14		BACKOS	1E110 Location:SOUTHERN STATION, SF->21ST ST/CAPP ST, SF
00:46:23	DT14		TRANSP	3B14D Location:21ST ST/CAPP ST, SF->HALL OF JUSTICE, SF LocDesc:at 1251 3RD ST, SF->at 850 BRYANT ST, SF LocCross:btwn MISSION ROCK ST and CHINA BASIN ST->btwn BOARDMAN PL and GILBERT ST Mileage:0.0 Comment:W/ X
00:47:49	DT14		CLOS	3C12D Location:HALL OF JUSTICE, SF->21ST ST/SOUTH VAN NESS AV, SF LocDesc:at 850 BRYANT ST, SF-><3100/ 1000>
00:48:00	DT14		CLOS	3C12E
00:48:08	DT14		MISCN	3B11E Comment:1/2 AT 635 CAPP
00:49:04	DT14		CLOS	3C12D Location:21ST ST/SOUTH VAN NESS AV, SF->22ND ST/CAPP ST, SF LocDesc:<3100/ 1000>-><3150/ 700>
00:51:46	K232		RI	3G107
00:52:07	K232		RI	3G107
00:53:36	DT14		CMPLT	3B14D Mileage:1.7
00:53:46	DT14		MISCN	3B14D Comment:ON THE HARRIET SIDE OF THE HALL
00:57:39	DT06		MISCN	3C12D Comment:LOT IS UNDER CONSTRUCTION .. ON GOING PROBLEM .. REQ DISREGARD .. 3C103 APPROVES
00:57:56	DT06		MISCN	3C12D Comment:DISREGARD LAST COMMENT
00:58:04	DT06		BACKER	3C12
00:58:25	DT06		PRMPT	3C12D Comment:Preempted and dispatched to call [redacted]
01:03:29	DT14		MISCN	3D204 Comment:SHUT DOWN A10....ALL UNITS REVERT TO A4
01:03:54	DT14		MISCN	3D204 Comment:BC ON ALL
01:05:54	DT14		CLOS	3C60
01:07:37	K322		ONSCN	3B12D
01:07:38	K322		ONSCN	3B12D
01:09:16	DT16		CLEAR	3B100 Dispo:ND
01:18:50	DT14		BACKER	3A11E Location:22ND ST/CAPP ST, SF->21ST ST/MISSION ST, SF Operator [redacted] OperNames:FRISK JAMES J. #715
01:21:07	K350		RI	3C12E
01:22:00	DT14		TRANSP	5H9 Location:21ST ST/MISSION ST, SF->HALL OF JUSTICE, SF LocDesc:<3150/ 700>->at 850 BRYANT ST, SF Comment:W/ WITNESS
01:26:13	DT10		CLEAR	3C12 Dispo:HAN
01:28:02	DT12		CLEAR	3J53D
01:28:28	DT12		CLEAR	3J15D
01:29:03	K374		ONSCN	3A11E

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01:42:59	DT14	[redacted]	CHGLOC	3A11E Location:HALL OF JUSTICE, SF->CAPP ST/21ST ST, SF LocDesc:at 850 BRYANT ST, SF-><600/ 3150>
01:43:39	DT14		BACKER	3H11E Operator:A[redacted] OperNames:FOGARTY,BRIAN P. #255; ZHAO,ALLEN #488
01:46:27	DT14		CLOS	3J41E Location:CAPP ST/21ST ST, SF->MISSION STATION, SF LocDesc:<600/ 3150>->at 630 VALENCIA ST, SF LocCross:btwn BOARDMAN PL and GILBERT ST->btwn CLARION AL and SYCAMORE ST
01:46:54	K374		RI	3A11E
01:49:06	DT10		ONSCN	3H11E
01:51:39	DT14		ONSCN	3A11E
02:00:30	K350		RI	3C12E
02:10:56	DT14		MISCN	Comment:HALF OF 3C12D HAS RESIDENT OF [redacted]
02:12:48	K319		RI	3C60
02:19:25	DT14		BACKER	3G14E Location:MISSION STATION, SF->22ND ST/CAPP ST, SF Operator[redacted] OperNames:OSORIO,ADRIAN A. #556; SAKIYAMA DONALD G. #246
02:19:53	K220		RI	3G14E
02:28:33	DT18		MISCN	3J41E Comment:FACE PAGE IS NOW OPEN
02:29:10	K095		RI	3B11E
02:33:05	K319		RI	3C60
02:33:31	K091		ONSCN	3J12E
02:34:08	K319		RI	3C60
02:37:54	DT16		CHANGE	3J12E Location:22ND ST/CAPP ST, SF->125 MASON ST, SF DAREA:3D->3J Area:444->176A LocDesc:at 630 VALENCIA ST, SF->btwn EDDY ST and ELLIS ST LocCross:btwn CLARION AL and SYCAMORE ST->btwn EDDY ST and ELLIS ST Agency:SF->SP Map:A1
02:37:54	CADAPP		PREMIS	Comment:PPR, FPR
02:40:15	DT16		CHANGE	3J12E Location:125 MASON ST, SF->CAPP ST/20TH ST, SF DAREA:3J->3D Area:176A->433 LocDesc:btwn EDDY ST and ELLIS ST-><500/ 3450> Map:A3 Comment:PUT AT 125 MASON IN ERROR
02:40:27	CADAPP		PREMIS	Comment:PPR, FPR
03:02:23	DT12		BACKER	3B13E Location:CAPP ST/20TH ST, SF->HALL OF JUSTICE, SF Operator[redacted] OperNames:CORNEJO-RODRIGUEZ, ANITA #332; LEE,NATHAN #4285
03:07:26	K220		ONSCN	3G14E
03:07:37	K220		RI	3G14E
03:09:10	DT12		CLOS	3J14D Location:HALL OF JUSTICE, SF->TENDERLOIN STATION, SF LocDesc:<500/ 3450>->at 301 EDDY ST, SF LocCross:btwn EDDY ST and ELLIS ST->btwn JONES ST and WAGNER AL
03:09:35	DT14		MISCN	3D106 Comment:FACEPAGE FOR ANYONE NEEDING TO MAKE A STATEMENT OR REPT
03:09:43	K050		ONSCN	3B13E
03:12:04	K095		RI	3B11E
03:19:33	K049		RI	3J14E
03:22:41	K049		CHGLOC	3J14E Location:TENDERLOIN STATION, SF->21ST ST/CAPP ST, SF LocDesc:at 301 EDDY ST, SF-><3150/ 600>
03:22:44	K049		RI	3J14E
03:24:47	K049		RI	3J14E
03:28:26	DT10		BACKOS	3C12D Location:21ST ST/CAPP ST, SF->MISSION STATION, SF
03:28:50	DT14		CLOS	3D204 Location:MISSION STATION, SF->CAPP ST/21ST ST, SF LocDesc:<3150/ 600>-><600/ 3150>
03:29:25	K049		ONSCN	3J14E
03:37:09	K350		RI	3C12E
03:39:15	K049		CLEAR	3J14E Dispo:ND
03:40:12	K350		RI	3C12E
03:40:20	DT12		ONSCN	3J111
03:43:31	DT12		CHGLOC	3B14D Location:CAPP ST/21ST ST, SF->SOUTHERN STATION, SF LocDesc:<600/ 3150>->at 1251 3RD ST, SF LocCross:btwn JONES ST and WAGNER AL->btwn MISSION ROCK ST and CHINA BASIN ST
03:45:12	K220		RI	3G14E

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03:51:00	DT12	[redacted]	CLEAR	3J14D
03:57:09	K350		RI	3C12E
03:57:49	DT12		CLEAR	3B114
04:00:44	K350		RI	3C12E
04:05:13	DT10		CMPLT	3D15E Comment:0030HRS
04:05:22	DT10		CHGLOC	3D15E Location:SOUTHERN STATION, SF->MISSION STATION, SF LocDesc:at [redacted]->at [redacted] LocCross:btwn MISSION ROCK ST and CHINA BASIN ST->btwn CLARION AL and SYCAMORE ST Comment:FU
04:14:09	K330		RI	3F12E
04:15:02	K330		MISCN	3F12E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV
				4[redacted]
04:15:09	K330		MISCN	3F12E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV
				4[redacted]
04:18:12	DT12		CLEAR	3B14D
04:35:01	K350		RI	3C12E
04:35:59	K350		RI	3C12E
04:39:56	DT16		BACKER	3B70 Location:MISSION STATION, SF->21ST ST/CAPP ST, SF Comment:RELIEVING 3B11E FROM OIS IN THE MISSION
04:44:38	DT16		MISCN	3B70 Comment:WILL BE ON A4
04:45:45	DT10		CHGLOC	3B11E Location:21ST ST/CAPP ST, SF->SOUTHERN STATION, SF LocDesc:at 630 VALENCIA ST, SF->at 1251 3RD ST, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn MISSION ROCK ST and CHINA BASIN ST
04:47:38	K095		RI	3B11E
04:47:55	K095		RI	3B11E
04:48:53	K095		CLEAR	3B11E Dispo:ND
04:51:22	K220		RI	3G14E
04:54:59	DT14		CLEAR	3C12D
05:06:55	DT10		CLEAR	3D15E Dispo:ND
05:12:34	K319		ONSCN	3C60
05:15:49	K096		RI	3B70
05:44:46	K220		MISCN	3G14E Comment:MONSTR mask: Query 1[redacted] Query 2: ID [redacted]
05:57:28	DT11		CLEAR	3F12E
06:05:52	DT12		ONSCN	3B70
06:06:05	DT12		CLEAR	3B12D
06:12:57	DT09		BACKER	3I13A Location:SOUTHERN STATION, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:IVEY,JONATHAN B. L. #540; VAING,THU #618
06:12:57	DT09		BACKER	3G13A Operator[redacted] OperNames:GREEN,DEVAN S. #301; MCCALL, VIOLA #377; PETUYA,MICHAEL A. #2452
06:21:49	K334		RI	3I13A
06:22:43	K334		RI	3I13A
06:28:46	DT11		BACKER	3A48B Operator[redacted] OperNames:BUSALACCHI,VINCENT #2126
06:28:58	K101		RI	3A48B
06:29:44	K151		RI	3G13A

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06:29:46	K334	[redacted]	ONSCN	3I13A
06:37:13	DT12		CHGLOC	3B13E Location:21ST ST/CAPP ST, SF->SOUTHERN STATION, SF Comment:F/U
06:40:38	K350		RI	3C12E
06:40:43	K350		RI	3C12E
06:40:47	K350		RI	3C12E
06:47:13	DT14		BACKOS	3C72 Location:SOUTHERN STATION, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:CLOUD,MATTHEW #1159
06:47:13	DT14		BACKOS	3C73 Operator[redacted] OperNames:NORMENT,JOHN #641
06:47:23	DT14		CLOS	3C72 Location:21ST ST/CAPP ST, SF->21ST ST/SOUTH VAN NESS AV, SF LocDesc:at 1251 3RD ST, SF-><3100/ 1000>
06:47:23	DT14		CLOS	3C73
06:48:03	K220		MISCN	3G14E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV [redacted]
06:48:29	DT11		DISPOS	3E14A Operator[redacted] OperNames:FOLTZ,ADAM T. #1165
06:49:33	K220		RI	3G14E
06:50:57	K220		RI	3G14E
06:54:14	DT14		BACKOS	5L24 Location:21ST ST/SOUTH VAN NESS AV, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:KELLOGG,ROBERT #1009
06:54:28	DT14		MISCA	5L24 Comment:NO LONGER NEEDS LITES..FIRE CAN COME REMOVE IT
06:54:38	DT14		SELECT	
06:55:07	K220		CLEAR	3G14E Dispo:HAN
07:01:11	DT12		CLEAR	3B13E Dispo:ND
07:01:11	DT12		CLEAR	3J12E Dispo:ND
07:01:11	DT12		CLEAR	3J41E Dispo:ND
07:10:36	K031		CLEAR	3H11E Dispo:HAN
07:20:43	DT14		MISCN	Comment:CONTACT FS21 TO COME DOWN AND GET RIGG OFF CAPP ST
07:20:52	DT14		MISCN	Comment:410 FS21
07:29:14	K374		PRMPT	3A11E Comment:Preempted and dispatched to call #[redacted]
08:17:16	DT14		PRMPT	3C72 Comment:Preempted and dispatched to call #[redacted]
08:17:16	DT14		PRMPT	3C73 Comment:Preempted and dispatched to call #[redacted]
08:36:53	DT11		CLEAR	3E14E
08:36:53	DT11		CLEAR	3E16E
08:40:51	K150		BACKER	3C13A Location:21ST ST/CAPP ST, SF->21ST ST/SOUTH VAN NESS AV, SF Operator[redacted] OperNames:MIKULAS,IAN #1693
08:56:29	DT11		CLEAR	3A120
08:57:44	K150		CLEAR	3C13A Dispo:HAN
09:01:52	DT16		BACKER	3B30 Location:21ST ST/SOUTH VAN NESS AV, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:BERNAL,GERALD #2060
09:03:04	DT09		CLEAR	3G107
09:10:41	DT14		CLEAR	3D13E
09:10:41	DT14		CLEAR	3D300
09:10:41	DT14		CLEAR	3D70
09:10:41	DT14		CLEAR	3D114
09:10:41	DT14		CLEAR	3D11D
09:10:41	DT14		CLEAR	3D11E
09:10:41	DT14		CLEAR	3D14D
09:10:41	DT14		CLEAR	3D14E
09:10:41	DT14		CLEAR	3D15D
09:10:41	DT14		CLEAR	3D41D
09:11:51	DT14		CLEAR	3D113
09:12:41	DT14		CLEAR	3D104
09:16:05	DT14		CLEAR	3C12E

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09:16:07	DT12	[redacted]	MISCN	3J111 Comment:STILL 10-7 THIS ASSIGNMENT -- ALONG WITH 3J11E
09:16:21	DT14		CLEAR	3C60
09:16:44	DT16		BACKOS	3J41E
09:16:57	DT14		CLEAR	5H21
09:26:17	DT13		MISCN	3I13A Comment:STILL 97
09:26:18	DT14		CLEAR	5X400 Comment:PER 3D106 Plate:
09:26:18	DT14		CLEAR	5X112 Comment:PER 3D106 Plate:
09:26:18	DT14		CLEAR	5X116 Comment:PER 3D106 Plate:
09:26:18	DT14		CLEAR	5X34A Comment:PER 3D106 Plate:
09:28:32	DT14		CLEAR	3X400 Comment:PER 3D204
09:29:16	DT14		CLEAR	4T2G Comment:PER 4T1B
09:29:45	DT14		CLEAR	1E110 Comment:ATT'D TO RAISE 1E110, NO RESPONSE, MADE 10-8 PER SUP LECHUGA'S INSTRUCTIONS
09:30:35	DT14		CLEAR	5H9 Comment:ATT'D TO RAISE 1E110, NO RESPONSE, MADE 10-8 PER SUP LECHUGA'S INSTRUCTIONS
09:30:35	DT14		CLEAR	SP108 Comment:ATT'D TO RAISE 1E110, NO RESPONSE, MADE 10-8 PER SUP LECHUGA'S INSTRUCTIONS
09:37:00	DT12		CLEAR	3B70 Dispo:HAN
10:30:26	DT14		DISPER	3D107 Operator[redacted] OperNames:NANGLE,SUSAN #968 Comment:410-FOR JUMP BOX AT REQUEST OF MISSION COMMAND
10:32:23	DT14		XREF	Type:221->WD Agency:SP->SF
10:32:50	DT14		CLEAR	3D107 Type:WD->221 Comment:22 JUMPBOX PER MISSION COMMAND
10:45:42	DT12		BACKER	3J13A Operator[redacted] OperNames:SERRANO,MANUEL J. #766
10:45:52	K337		RI	3J13A
10:46:32	DT12		CLEAR	3J13A Dispo:HAN
10:47:51	DT14		MISCN	3D204 Comment:WILL BE CLEARING CRIME SCENE ON CAPP AND WILL 902 FOR 7I
11:01:51	DT14		MISCN	Comment:MSN COMMAND IS NOW OUT OF SVC
11:19:08	DT15		ONSCN	3A48B
11:20:24	DT12		MISCN	Comment:3J13A NEVER RESPONDED TO THIS RUN
11:21:23	DT11		CLEAR	3E14A Dispo:HAN
11:22:42	DT12		CLEAR	3B30 Dispo:HAN
11:31:54	DT10		REDIR	3J41E DAREA:3D->3J Agency:SF->SP
11:33:46	DT10		CMPLT	3D106
11:33:47	DT10		CLOS	3D106 Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3100/ 1000>->at 630 VALENCIA ST, SF LocCross:btwn MISSION ROCK ST and CHINA BASIN ST->btwn CLARION AL and SYCAMORE ST
11:33:47	DT10		CLOS	3D204
11:36:25	K334		MISCN	3I13A Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\1411 Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC/[redacted] Query 4: IV 4 1411
11:37:34	AX04		REDIR	DAREA:3J->3D
11:37:36	AX04		SELECT	
11:43:25	DT16		CLEAR	3J41E
11:43:25	DT16		CLEAR	3J111
11:57:36	K334		CLEAR	3I13A Dispo:HAN
12:26:16	K151		CLEAR	3G13A Dispo:ND
12:26:16	DT11		CLEAR	3A48B Dispo:HAN
13:21:44	K101		BACKER	3A13C Operator[redacted] OperNames:ZUBKO,MAKSIM A . #637; RISSETTO,NICCOLE LRISSET #2700
13:44:42	DT10		CLEAR	3D106 Dispo:HAN
14:06:32	DT15		ONSCN	3A13C
14:54:42	DT11		CLEAR	3A13C Dispo:HAN
15:11:43	DT10		PRMPT	5L24
17:07:47	DT10		CLEAR	3D204
17:07:47	DT10		CLEAR	

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17:07:47 DT10 [redacted] CLOSE

CALL RECAP:

INITIATE:	22:36:02 03/06/2018	**CALL NUMBER:**	#4174
ENTRY:	22:36:02 03/06/2018	**CURRENT STATUS:**	CLOSE
DISPATCH:	22:36:02 03/06/2018	**PRIMARY UNIT:**	3D13E
ON SCENE:	22:36:02 03/06/2018	**JURISDICTION:**	SP
CLOSE:	17:07:47 03/07/2018	**DISPOSITION:**	HAN
ADDRESS:	CAPP ST/20TH ST, SF		
DAREA:	3D	**REPORT NUMBER:**	[redacted]
SECTOR:	D3	**TYPE:**	000 --> 221 PERSON W/GUN
RA:	433	**PRIORITY:**	A
FIRE:		**PRIOR HISTORY:**	Yes
CP:			
ADDRESS:			
PHONE:		**CAD TIMESTAMP:**	CADT 0307181707

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OPERATOR ASSIGNMENTS:		
	DT14	[redacted]
	CADAPP	TIB
	DT06	
	K086	
	DT10	
	K041	
	K292	
	K028	
	K166	
	SP04	
	DT15	
	DT17	
	K373	
	K095	
	DT05	
	K314	
	K050	
	SP03	
	K350	
	K318	
	K091	
	K029	
	K192	
	DT12	
	K138	
	K319	
	DT16	
	K067	
	K090	
	SP01	
	K082	
	K322	
	DT09	
	K330	
	DT13	
	K070	
	DT06	
	K072	
	K344	
	K113	
	DT12	
	K189	
	K296	
	DT16	
	DT14	
	K362	
	DT14	
	DT15	
	DT08	
	DT13	
	DT16	
	DT09	
AS OF 23:47:47:	DT14	
	K049	
	SP04	
	K095	
	K253	
AS OF 00:30:18:	DT14	
	K232	
	DT14	
	DT16	
	DT10	

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	K374	[redacted]
	DT10	
	K220	
	DT18	
	K095	
	DT12	
	DT10	
	DT16	
	DT14	
	K096	
	DT11	
	DT09	
	K334	
	K101	
	K151	
	K031	
	DT14	
	DT11	
	K150	
	DT16	
	DT09	
	DT14	
	DT12	
	DT16	
	DT13	
	DT14	
	K337	
AS OF 11:01:51:	DT14	
	DT15	
	DT12	
	DT11	
	DT10	
	AX04	
	K101	
	DT10	
	DT15	
	DT11	
	DT10	
AS OF 17:07:47:	DT10	

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DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER DPA ATTORNEY TINNETTA THOMPSON
DATE:	5/15/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Monday, May 20, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	SERGEANT GEORGE PEREZ #739	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	5/29/2019 at 7:00PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Please review Incident Report No. [redacted] in preparation for the interview

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER DPA ATTORNEY TINNETTA THOMPSON
DATE:	5/15/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Monday, May 20, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	SERGEANT GEORGE PEREZ #739	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	5/29/2019 at 7:00PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Please review Incident Report No. [redacted] in preparation for the interview

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	CENTRAL STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
DATE:	1/10/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Wednesday, January 16, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	SERGEANT LEONARD CALDERA #498	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	1/23/2019 at 4:30 P.M.	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

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San Francisco, Ca 94102
www.sfgov.org/dpa
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tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	CENTRAL STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA SENIOR INVESTIGATOR CANDACE CARPENTER
DATE:	1/10/2019
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Wednesday, January 16, 2019, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	SERGEANT LEONARD CALDERA #498	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	1/23/2019 at 4:30 P.M.	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

Fold Here First

DPA Use Only

Fold Here Second

OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

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City and County of San Francisco
Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18

Incident Report or Citation No. [redacted]

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

DPA-Added Allegation Form

DPA CASE NO.	COMPLAINANT
0097-18	DPA OIS INVESTIGATION

ACTIVITY	TYPE	DISP	UNIFORM Yes	UNIFORM No	RANK	MEMBER'S NAME & STAR NUMBER	UNIT	SVC	GENDER	ETH
12	ND		X		Q50	Leonard Caldera #498	3D	[redacted]	M	1

ADDED ALLEGATIONS:

Neglect of Duty (ND) – The officer failed to comply with DGO 10.11

SFDPA - 0097-18 - 000764

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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA INVESTIGATOR CANDACE CARPENTER
DATE:	9/4/2018
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Friday, September 7, 2018, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICERS MILEN BANEGAS #963	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	9/10/2018 at 4:30PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached is the CAD related to the complaint.

DPA
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Paul Henderson
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San Francisco, Ca 94102
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NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA INVESTIGATOR CANDACE CARPENTER
DATE:	9/4/2018
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Friday, September 7, 2018, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICERS MILEN BANEGAS #963	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	9/10/2018 at 4:30PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached is the CAD related to the complaint.

SP180654174 A 221 PERSON W/GUN CAPP ST/20TH ST, SF

[03/06/2018]

22:36:02	DT14	[redacted]	CREATE	Location:CAPP ST/20TH ST, SF Type:000 DAREA:3D Area:433 TypeDesc:MISC LocDesc:<500/ 3450> Priority:C Agency:SP Map:A3
22:36:02	DT14	[redacted]	ENTRY	Sector/Stn:D3 Map:A3
22:36:02	DT14	[redacted]	DISPOS	3D13E Location:CAPP ST/20TH ST, SF Operator[redacted] OperNames:TUPPER, JOSHUA C. #4115; CASSINELLI,STEPHEN F #1104
22:36:02	DT14	[redacted]	PRIU	3D13E
22:36:02	CADAPP	TIB	PREMIS	Comment:PPR, FPR
22:36:06	DT14	[redacted]	MISCN	3D13E Comment:C33
22:36:07	DT06	[redacted]	MISCN	3D13E Comment:C33
22:36:08	K086	[redacted]	BACKER	3D15D Operator[redacted] OperNames:CHUI,LOREN A. #1306
22:36:09	K086	[redacted]	PRIOR	PremType:PPR 3D15D
22:36:12	K086	[redacted]	RI	3D15D
22:36:16	DT14	[redacted]	MISCN	3D13E Comment:FLAGGED DOWN ABOUT 221....
22:36:27	DT06	[redacted]	MISCN	3D13E Comment:FLAGGED DOWN BY 909 RE SOMEONE RUNNING AWAY -- BLK HONDA CIVIC NO LP - 2 OCC SAFE AVE APPR SB CAPP FROM 19TH
22:36:27	DT14	[redacted]	MISCN	3D13E Comment:BLK HONDA CIVIC NO LPS...SAFE AVE SB CAPP FROM 19TH
22:36:30	DT10	[redacted]	MISCN	3D13E Comment:SOMEONE RUNNING AWAY WITH A PISTOL /...2AB BLK HONDA CIVIC..
22:36:41	DT14	[redacted]	CHANGE	3D13E Type:000->221 TypeDesc:MISC->PERSON W/GUN Priority:C->A Class:F:3PAT
22:36:45	DT10	[redacted]	MISCN	3D13E Comment:SAVE AVE IS SB CAPP FROM 19TH
22:36:47	K041	[redacted]	BACKER	3D14E Operator[redacted] OperNames:O'ROURKE,SEAN #2214
22:36:49	DT14	[redacted]	MISCN	3D13E Comment:2AB
22:37:07	K292	[redacted]	BACKER	3D15E Operator[redacted] OperNames:DEQUIS,JOSHUA #334; ROMAN,BAYARDO #2373
22:37:10	DT14	[redacted]	CLOS	3D13E Location:CAPP ST/20TH ST, SF->CAPP ST/21ST ST, SF LocDesc:<500/ 3450>-><600/ 3150>
22:37:10	DT10	[redacted]	MISCN	3D13E Comment:CAPP/21ST
22:37:21	K292	[redacted]	RI	3D15E
22:37:22	DT14	[redacted]	ONSCN	3D15D
22:37:32	DT14	[redacted]	BACKER	3D113 Location:CAPP ST/21ST ST, SF->CAPP ST/20TH ST, SF Operator[redacted] OperNames:CALDERA,LEONARD #498
22:37:32	DT14	[redacted]	BACKER	3D70
22:37:44	K028	[redacted]	BACKER	3D11E Location:CAPP ST/20TH ST, SF->CAPP ST/21ST ST, SF Operator[redacted] OperNames:KAJASA,SANJA #2058
22:38:03	K166	[redacted]	BACKER	3D11D Location:CAPP ST/21ST ST, SF->CAPP ST/20TH ST, SF Operator[redacted] OperNames:ANDALUZ ,MATTHEW #1851; BANEGAS,MILEN #963
22:38:05	K166	[redacted]	ONSCN	3D11D
22:38:10	K292	[redacted]	ONSCN	3D15E
22:38:12	K028	[redacted]	ONSCN	3D11E
22:38:35	DT06	[redacted]	MISCN	3D13E Comment:CONDUCTING FELONY STOP
22:38:35	DT14	[redacted]	MISCN	3D11E Comment:FELONY STOP
22:38:41	DT14	[redacted]	BACKOS	3D41D Location:CAPP ST/20TH ST, SF->CAPP ST/21ST ST, SF Operator[redacted] OperNames:SANTANA,BRYAN M. #2097; NAGAI,NICHOLAS #2017
22:38:46	DT10	[redacted]	MISCN	3D41D Comment:ONE IN THE TRUNK OF THE VEH
22:38:55	DT06	[redacted]	MISCN	3D13E Comment:1 PERSON IN TRUNK -- 1 IN CUST
22:38:55	DT14	[redacted]	MISCN	3D41D Comment:1 SIC, 1 STILL IN TRUNK
22:39:16	DT10	[redacted]	CLOS	3D13E Location:CAPP ST/21ST ST, SF->21ST ST/CAPP ST, SF LocDesc:<600/ 3150>-><3150/ 600>
22:39:16	DT10	[redacted]	CLOS	3D70
22:39:16	DT10	[redacted]	CLOS	3D113
22:39:16	DT10	[redacted]	CLOS	3D11D
22:39:16	DT10	[redacted]	CLOS	3D11E

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City & County of San Francisco

SFDPA - 0097-18 - 000767

22:39:16	DT10	[redacted]	CLOS	3D14E
22:39:16	DT10		CLOS	3D15D
22:39:16	DT10		CLOS	3D15E
22:39:16	DT10		CLOS	3D41D
22:39:31	DT14		ONSCN	3D113
22:41:22	DT14		MISCN	3D113 Comment:MAINTAINING C33 ON A4 ONLY
22:41:24	DT10		MISCN	3D11E Comment:NEED A SPANISH SPEAKING OFFICER TO ASSIST
22:41:36	DT10		MISCN	3D11E Comment:3D204 MONITORING
22:41:46	DT14		MISCN	3D113 Comment:SPANISH SPEAKER 97
22:42:07	DT10		MISCN	3D113 Comment:406******
22:42:08	DT14		MISCN	3D113 Comment:406
22:42:12	DT06		MISCN	3D113 Comment:NOT A 406
22:42:15	SP04		MISCN	3D113 Comment:NOT A 406
22:42:15	DT10		MISCN	3D113 Comment:NOT A 406
22:42:16	DT14		MISCN	3D113 Comment:NO 406
22:42:20	DT15		BACKER	3E14E Operator[redacted] OperNames:COWHIG,AARON #2084; ZAPANTA,JHOANA #898
22:42:23	DT06		MISCN	3D113 Comment:SUFF UNITS OS
22:42:25	DT17		MISCN	Comment:SH UNITS 97
22:42:25	DT10		MISCN	3D113 Comment:SH UNITS OS
22:42:26	SP04		MISCN	3D113 Comment:WE HAVE SUFFICIENT UNITS OS
22:42:34	K373		BACKER	3C15D Operator[redacted] OperNames:WASSERMAN,DAVID #4360
22:42:39	DT17		MISCN	Comment:21ST/CAP NEEDS S 408 C3
22:42:39	DT10		ASSOC	Service:F Event:#[redacted] Type:221->XM Agency:SP->SF Comment:C/D
22:42:45	K095		BACKER	3B11E Type:XM->221 Operator:A22128 OperNames:DELGADO,NICHOLAS P. #2415
22:42:46	DT06		MISCN	3D113 Comment:STILL HAVE 1 IN VEH -- HAVE 408 STAGE
22:42:48	DT17		MISCN	Comment:HAVE 408 STAGE AND 21ST/CAPP
22:42:48	DT14		ASSOCX	
22:42:48	DT14		ASSOC	Service:F Event:#[redacted] Type:221->XM Comment:408 TO STAGE C3
22:42:50	DT10		MISCN	3D113 Comment:MEDICS STAGE 21/CAPP*&******
22:42:58	DT05		INFO	Location:21ST ST/CAPP ST, SF->643 CAPP ST, SF Type:XM->216 Area:433->444 TypeDesc:PERSON W/GUN->SHOTS FIRED LocDesc:<3150/ 600>->btwn 21ST ST and 22ND ST LocCross:btwn 21ST ST and 22ND ST Comment:RP STATES SHE HEARD A BUNCH OF 216'S...ADV PD 97 IAO
22:42:58	DT05		ALI	E911Phone[redacted] AliLatitude:-122.418337 AliLongitude:37.75516000 Confidence:100 Uncertainty:4043
22:43:01	DT14		MISCN	3D113 Comment:NOT A 406 SH
22:43:01	K314		BACKER	4T9I Location:[redacted], SF->21ST ST/CAPP ST, SF Type:216->221 Operator[redacted] OperNames:LIDDECOET,MICHELLE #1274
22:43:04	DT10		MISCA	3D113 Comment:MEDICS STAGE 21ST / CAPP
22:43:14	K050		BACKER	3B13E Operator[redacted] OperNames:CORNEJO-RODRIGUEZ, ANITA #332; LEE,NATHAN #4285
22:43:18	SP03		MISCN	Comment:DOC PSA NOTIFIED ABOUT SHOTS FIRED BY DEM WONG. THEY WERE ALREADY MONITORING. OFFICERS TO MAKE THEIR OWN NOTIFICATIONS
22:43:19	K350		BACKER	3C12E Operator[redacted] OperNames:ZAHN, BRYAN #4303
22:43:24	K095		RI	3B11E
22:43:37	K318		BACKER	3F43D Operator[redacted]A21811 OperNames:SMALLY,FREDRICK R. #2737; WILLIAMS,D'ANDRE #1937
22:43:39	DT14		MISCA	3D113 Comment:408 TO STAGE....1 STILL IN TRUNK
22:43:44	K373		RI	3C15D
22:43:46	K095		RI	3B11E
22:44:05	DT15		PRMPT	3E14E Comment:Preempted and dispatched to call #180654163
22:44:17	K091		BACKER	3J12E Operator[redacted] OperNames:SMITH,AMBER D .#1031
22:44:19	K091		RI	3J12E

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SFDPA - 0097-18 - 000768

22:44:26	SP03	[redacted]	MISCN	Comment:DOC PINELLI CHECKED IN FOR CAD #
22:44:30	K350		RI	3C12E
22:44:31	K095		RI	3B11E
22:44:32	K029		BACKER	3B47 Operator[redacted] OperNames:MCKELLEY,BRANDON #2343
22:44:36	K192		BACKER	3A11D Operator[redacted] OperNames:MCAULIFFE,ZACHARY MEAD #1752; ELROD,RYAN #2056
22:44:40	K029		RI	3B47
22:44:45	K192		RI	3A11D
22:44:48	DT12		BACKER	3J90 Operator[redacted] OperNames:LUCIA,GRIFFIN J #1531
22:44:52	DT10		MISCN	Comment:SAFE AVE OF APPROACH?
22:44:58	DT10		MISCN	Comment:3D104 97 ON CAPP
22:45:00	K095		ONSCN	3B11E
22:45:01	K138		BACKER	3J14D Operator[redacted] OperNames:LATIMORE HAVEN B #207
22:45:01	DT14		BACKOS	3D104 Operator[redacted] OperNames:SHUGARS,MICHAEL #1747
22:45:04	K138		RI	3J14D
22:45:10	DT10		MISCN	Comment:3D106 97
22:45:12	DT14		BACKOS	3D106 Operator[redacted] OperNames:BARCENA,OSCAR #1715
22:45:14	K319		BACKER	3C60 Operator[redacted] OperNames:COPE,TYLER J. #677
22:45:14	DT16		BACKER	3J41E Operator[redacted] OperNames:BUTHERUS,PATRICK #254
22:45:17	K138		MISCN	3J14D Comment:C4 FROM TURKAND TAYLOR
22:45:17	K138		RI	3J14D
22:45:26	K319		RI	3C60
22:45:32	DT12		BACKER	3J13E Operator[redacted] OperNames:DAVIS MICHAEL D. #160
22:45:32	K050		ONSCN	3B13E
22:45:39	K192		RI	3A11D
22:45:50	DT14		MISCN	3D104 Comment:22/CAPP
22:45:50	DT10		MISCN	Comment:SOMEONE BLOCK OFF 22/CAPP
22:45:51	DT06		MISCN	3D113 Comment:BLOCK OFF 22ND/CAPP
22:45:53	SP04		MISCN	Comment:PD UNIT TO 22ND/CAPP
22:45:53	DT17		MISCN	Comment:HAVE SOMEONE BLOCK OFF 22ND/CAPP
22:45:55	K067		BACKER	3J11E Operator[redacted] OperNames:WILLIS,BRANDON J.
22:45:58	DT06		BACKOS	3C12D Operator[redacted] OperNames:HAWES,NIKOLAOS #4335; WISE,RICHARD #4208
22:45:58	DT14		CLOS	3C12D Location:21ST ST/CAPP ST, SF->22ND ST/CAPP ST, SF LocDesc:btwn 21ST ST and 22ND ST-><3150/ 700>
22:45:59	DT12		MISCN	Comment:****SAVE AVE SB CAPP*****
22:46:00	K067		RI	3J11E
22:46:03	DT10		CLOS	3C12D
22:46:04	DT06		MISCN	3D113 Comment:SEND 408 IN
22:46:06	DT17		MISCN	Comment:SEND 408 IN
22:46:06	DT14		MISCA	3D113 Comment:SEND IN 408
22:46:07	SP04		MISCN	3D113 Comment:***SEND 408 IN***
22:46:10	K350		ONSCN	3C12E
22:46:18	DT06		MISCN	3D113 Comment:408 CAN COME IN ON 22ND
22:46:24	DT10		MISCN	Comment:C4, 221 IN THE VEH
22:46:26	DT17		MISCN	Comment:C4
22:46:31	DT06		MISCN	3D113 Comment:C4 -- GUN IN VEH
22:46:31	DT14		MISCA	3D113 Comment:408 COMJE IN ON 22/CAPP...221 IN VEH
22:46:32	K318		CLEAR	3F43D Dispo:ND
22:46:35	DT10		MISCN	Comment:3D113 STARTING CPR
22:46:38	DT06		MISCN	3D113 Comment:STARTING CPR
22:46:39	DT16		BACKOS	3J14E Location:22ND ST/CAPP ST, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:HALLIGAN ANTHONY J. #182
22:46:40	DT14		MISCN	3D113 Comment:CPR IN PROGRESS
22:46:43	K090		BACKER	3B14D Operator[redacted] OperNames:YEE,JARROD #4255
22:46:46	K319		RI	3C60
22:46:53	K067		ONSCN	3J11E
22:46:58	DT10		MISCN	Comment:SH HELP OS
22:47:01	K091		RI	3J12E
22:47:06	DT14		BACKOS	3D204 Operato[redacted] OperNames:BANTA,RONALD #2251

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22:47:08	DT16	[redacted]	ONSCN	3J41E
22:47:09	K090		RI	3B14D
22:47:14	DT10		MISCN	Comment:3D204 97.. GO ON AN ALL C4 SH HELP OS
22:47:30	K138		ONSCN	3J14D
22:47:31	DT14		MISCN	3D204 Comment:OIS?...AFFIRM
22:47:38	K138		RI	3J14D
22:47:45	K373		RI	3C15D
22:47:46	DT16		BACKOS	3B45 Operator[redacted] OperNames:NEVAREZ,JESUS J. #2162; CHAN,DEREK B. #643
22:47:49	SP04		MISCN	Comment:POA TO COME IN TO ASSIST. GO ON ALL
22:47:50	DT14		MISCN	3D204 Comment:ON AN ALL POA REP TO RESPIND
22:48:03	SP04		MISCN	Comment:3J12E, I'M A POA REP
22:48:12	K192		CLEAR	3A11D Dispo:ND
22:48:15	DT17		MISCN	Comment:3D204 NEEDS A POA REP TO COME ASSIST
22:48:29	DT14		MISCN	3D204 Comment:ANOTHER CHANNEL FOR THIS
22:48:30	SP01		MISCN	3D204 Comment:ANOTHER CHANNEL ...
22:48:38	DT14		MISCN	3D204 Comment:OUTSIDE UNITS TO HAN DISTRICT
22:48:42	DT17		MISCN	Comment:HAVE OUTSIDE UNITS HANDLE CALLS.....
22:48:46	DT17		MISCN	Comment:M63 97
22:48:47	DT14		MISCN	3D41D Comment:M63 97
22:49:16	DT12		ONSCN	3J90 Comment:21/CAPP
22:49:17	K041		MISCN	3D14E Comment:STARTING CRIME SCENE LOG
22:49:22	DT17		MISCN	Comment:3D204 EVERYONE INVOLVED KEEP BODY CAMERAS ON ... DONT FOOL WITH THEM WILL ADV LATER
22:49:26	DT14		MISCN	3D204 Comment:ALL BWC ON FOR NOW...WILL ADV
22:49:30	DT16		BACKOS	3B102
22:49:30	DT16		BACKOS	3B100 Operator[redacted] OperNames:PEDROZA,ANTHONY #4094
22:49:30	DT16		BACKOS	3B114
22:49:33	DT10		PRMPT	3C15D Comment:Preempted and dispatched to call #1[redacted]
22:49:38	DT16		XPRMPT	3B102
22:49:38	DT16		XDISP	3B103
22:49:38	DT16		ENRTE	3B103
22:50:00	K082		BACKER	3B15D Operator[redacted] OperNames:LEDESMA,NIKO C. #2733
22:50:00	DT16		ONSCN	3J12E
22:50:04	K082		ONSCN	3B15D
22:50:10	DT16		BACKOS	3J15D Operator[redacted] OperNames:CASEY, DANIEL #4139; SARCOS,SONYA #2377
22:50:10	DT16		BACKOS	3J53D Operator[redacted] OperNames:NAVALLE,JOSEPH A. #2447; CAVANAUGH,KATHLEEN (#575)
22:50:21	DT17		MISCN	Comment:3D113 ... ANY OFFICERS INVOLVED IN THIS OIS 904 IFO THE PARKING GARAGE
22:50:23	DT14		MISCN	3D113 Comment:904 IFO PARKING GARAGE 97
22:50:24	K091		ONSCN	3J12E
22:50:32	SP04		MISCN	Comment:ANY OFCRS INVOLVED IN OIS 904 3D113 IFO PARKING GARAGE
22:50:41	DT16		BACKOS	3B12D Location:21ST ST/CAPP ST, SF->20TH ST/CAPP ST, SF Operator[redacted] OperNames:MARCIC,MICHAEL #817; FIORELLO,JENNIFER #169 Comment:STOPPING TRAFFIC
22:50:47	DT14		BACKER	3F12E Location:20TH ST/CAPP ST, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:GALLAGHER,JASON #1422
22:50:51	DT17		MISCN	Comment:3F12E IS A POA REP
22:51:18	K322		RI	3B12D
22:51:21	DT14		BACKER	5X112 Operator[redacted] OperNames:BYRNE,KEVIN #4218
22:51:21	DT14		BACKER	5X116 Operator[redacted] OperNames:ROCHE,AISLIN #4354
22:51:25	DT09		BACKER	3X301 Operator[redacted] OperNames:SILVERMAN,SIMON #1543
22:51:32	DT14		BACKOS	3E16E Operator[redacted] OperNames:OSPITAL,JEFFREY T. #994
22:51:32	K314		CLEAR	4T9I Dispo:HAN Comment:CODE 4 PRIOR TO ARRIVAL
22:51:53	DT14		ONSCN	3D204
22:52:01	DT14		MISCN	3D204 Comment:WILL ASSUME COMMAND

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22:52:03	DT17	[redacted]	MISCN	Comment:3D204 GOT THE BRIEFING FROM 3D113 AND ASSUMING COMMAND
22:52:17	DT14		MISCN	3D204 Comment:[redacted]...600-BLK BLOCKED OFF
22:52:42	DT17		MISCN	Comment:********* INCIDENT CALLED [redacted].... BLOCK OFF THE WHOLE 600 BLK...UNITS NOT TALKING TO WITNESS ETC.. BLOCK OFF THE STREET
22:52:53	DT10		BACKER	5X34A Operator[redacted] OperNames:WILSON,GLEN #627
22:53:22	DT14		MISCN	3D204 Comment:626 CAPP CROSS OF 21ST
22:53:56	DT17		MISCN	Comment:3D113 ADV UNITS THAT ARE CHECKING PREMISE'S TO PUT IN CAD
22:54:43	K330		RI	3F12E
22:55:07	K050		RI	3B13E
22:55:15	K166		RI	3D11D
22:55:18	DT13		BACKOS	4T2G
22:55:29	K070		BACKER	3D114 Operator[redacted] OperNames:RUSSELL,JOSEY #1030
22:55:33	DT06		MISCN	3C12D Comment:DELIVERING THE HNT TRUCK .. WHERE DOES IT NEED TO GO
22:56:23	K072		BACKER	3B13D Location:21ST ST/CAPP ST, SF->20TH ST/CAPP ST, SF Operator[redacted] OperNames:CASTELLANOS,ANTHONY #1173; HOANG,DAVID C.
22:57:36	DT14		MISCN	3D204 Comment:3J41E WILL BE INTIAL
22:57:39	DT14		CASE	Case#[redacted]3J41E Location:20TH ST/CAPP ST, SF->CAPP ST/20TH ST, SF Dispo:HAN TypeDesc:SHOTS FIRED->PERSON W/GUN LocDesc:<3150/ 700>->at CAPP ST/20TH ST, SF
22:57:42	DT17		MISCN	Comment:3D204 THE ENTIRE CREW WAS INVOLVED.... NEEDS THE OUTSIDE UNIT TO DO THE REP
22:58:13	DT17		MISCN	Comment:3J41E WILL HANDLE AND BE THE INITIAL
22:58:43	K344		RI	3B45
22:58:53	DT14		ONSCN	3D114
22:58:58	K113		RI	3J13E
22:59:08	K330		ONSCN	3F12E
22:59:38	DT06		MISCN	3D204 Comment:ALL UNITS INV'D 3B100 97 HAN ALL ADMIN PORTION PART.. HAN 3B114 CRIMINAL INV
22:59:38	DT14		MISCN	3D204 Comment:3B100 97 WILL HAND ADMIN PORTION OF INCIDENT....3B114 WILL COORDINATE CRIMINAL 7I
22:59:44	DT10		MISCN	3C60 Comment:CHECKING ON WELL BEING COMPLETE ON CAPP FROM 21-22ND BOTH SIDES OF THE ST
22:59:49	DT14		MISCN	3D113 Comment:UNITS DOING CPR TO 904 IFO VEH 124
22:59:53	DT12		MISCN	3B45 Comment:HANDLING A'S IN THE MSN PER LT
22:59:56	DT14		MISCN	3D204 Comment:ALL MSN UNITS INVOLVED
23:00:05	DT06		MISCN	3D204 Comment:ALL MISSION UNITS ARE INVOLVED .. 3X300 WILL TAKE COMMAND OF INCIDENT
23:00:09	K189		RI	3J90
23:00:09	K050		CLEAR	3B13E Dispo:ND
23:00:13	DT06		BACKER	3D300 Location:CAPP ST/20TH ST, SF->21ST ST/CAPP ST, SF
23:00:15	DT12		BACKOS	3B5E Location:21ST ST/CAPP ST, SF->20TH ST/CAPP ST, SF Operator[redacted] OperNames:CHING, JOHN #1396
23:00:40	DT14		MISCN	3D204 Comment:COMMAND VAN TO RESPIND TO 21/JUST WEST OF CAPP
23:00:56	K082		RI	3B15D
23:01:35	K296		RI	3E16E
23:01:51	DT16		CLEAR	3B103
23:02:25	K138		RI	3J14D
23:04:08	DT14		ONSCN	5X112
23:04:08	DT14		ONSCN	5X116
23:04:08	DT14		ONSCN	5X34A
23:04:27	K296		RI	3E16E
23:04:28	DT14		MISCN	3D15E Comment:HALF OD 11D IS W/ VIC FOR SPANISH TRANSLATION
23:05:08	K082		RI	3B15D
23:05:10	DT12		MISCN	3B47 Comment:TR'G 2 Q2'S BACK TO CO D

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23:05:18	DT12	[redacted]	ONSCN	3B47
23:05:19	DT12		TRANSP	3B47 Location:20TH ST/CAPP ST, SF->MISSION STATION, SF LocDesc:at CAPP ST/20TH ST, SF->at 630 VALENCIA ST, SF LocCross:btwn 21ST ST and 22ND ST->btwn CLARION AL and SYCAMORE ST
23:05:19	DT10		CLOS	3C60 Location:MISSION STATION, SF->22ND ST/CAPP ST, SF LocDesc:at 630 VALENCIA ST, SF-><3150/ 700> Comment:BLOCKING TRAFFIC
23:05:21	DT06		MISCN	3C60 Comment:22ND/CAP
23:05:23	K029		RI	3B47
23:05:53	DT06		MISCN	3D113 Comment:ONE MALE AND ONE X NEED TO BE TX'D TO THE CO
23:06:11	DT14		MISCN	3D113 Comment:UNITS TO TRANSPORT 1 MALE AND 1 X TO THE CO
23:06:40	DT14		MISCN	3E16E Comment:TAKING CONTROL OF THE INNER CRIME SCENE...ANY UNIT ENTERING NEEDS TO CHECK IN WITH 3E16E
23:06:43	K029		RI	3B47
23:06:52	K113		CLEAR	3J13E Dispo:ND Comment:COVER
23:07:23	DT06		MISCN	3D204 Comment:INTERPERM .. OUTERPERIMETER .. STEP ONE SQUAD TO HAN THE DISTRICT
23:07:31	DT06		ONSCN	3D300
23:07:31	DT14		ONSCN	3D300
23:07:45	DT14		MISCN	3D204 Comment:HAVE INNER PERIME AROUND THE CRIME SCENE...STEP 1 SQUADS TO HANDLE DISTRICT RUNS
23:07:56	K082		RI	3B15D
23:08:02	K166		RI	3D11D
23:08:21	K067		MISCN	3J11E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV 4[redacted]
23:08:32	K067		CLEAR	3J11E Dispo:ND
23:08:41	DT06		MISCN	Comment:***A10 IS OPEN FOR ALL PIC/SERVICE TRAFFICE FOR MISSION AND BAYVIEW UNITS .. THE OIS WILL REMAIN ON A4*** BC'D ON AN ALL
23:08:43	K362		RI	3C12D
23:09:07	K189		CLEAR	3J90 Dispo:ND
23:10:05	DT14		MISCN	3D204 Comment:EVERYONE KEEPS CAMERAS ON
23:11:09	DT10		BACKOS	3D14D Location:22ND ST/CAPP ST, SF->21ST ST/CAPP ST, SF Operator:[redacted] OperNames:CARROLL,CORBYN M #987; SMITH-RUSSACK, ARI #4132
23:11:30	DT14		MISCN	3D204 Comment:KEEP CAMERAS ON TILL HOMICIDE COLLECTS THEM AND KEEP VEH THAT ARE 97 EMERGENCY LIGHTS AND ENGINES OFF
23:11:48	DT06		MISCN	3D300 Comment:WILL BE TAKING OVER COMMAND
23:11:53	DT14		MISCN	3D300 Comment:**3D300 TAKING COMMAND
23:13:33	K082		RI	3B15D
23:13:55	DT10		SELECT	
23:16:07	DT06		MISCN	3C12D Comment:E07 97
23:16:53	K082		RI	3B15D
23:17:08	DT14		MISCN	3E16E Comment:TAKING CONTROL OF THE INNER CRIME SCENE...ANY UNIT ENTERING NEEDS TO CHECK IN WITH 3E16E ANY ON DUTY CERT UNITS TO RESPOND TO OIS
23:17:50	K072		CLEAR	3B13D Dispo:ND
23:18:00	DT15		BACKER	3E14E Operator[redacted] OperNames:COWHIG,AARON #2084; ZAPANTA,JHOANA #898 Comment:CERT UNIT
23:18:30	DT13		BACKER	3J111
23:18:32	K082		RI	3B15D
23:18:51	DT14		MISCA	3D204 Comment:**HAVE FIRE DEPT WITH LIGHTNING EQUIP 300 FT LIT UP WITH LIGHTS BOTH SIDES OF CRIME 600-699 CAPP

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23:18:52	K319	[redacted]	ONSCN	3C60
23:18:53	K319		RI	3C60
23:18:57	K319		RI	3C60
23:19:23	DT14		BACKOS	3X400
23:20:04	DT14		MISCN	3D113 Comment:UNIT RESP WITH TAPE
23:21:39	K344		CLEAR	3B45 Dispo:ND
23:22:05	K082		RI	3B15D
23:22:21	DT14		TRANSP	3J14E Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3150/ 700>->at 630 VALENCIA ST, SF Comment:TR MALE FROM 21ST/CAPP
23:22:46	DT14		TRANSP	3D106 Comment:W/ X FROM 21ST/CAPP
23:24:06	DT14		TRANSP	3D104 Comment:W SUBJ FROM 21ST/CAPP
23:24:37	DT08		INFO	Location:MISSION STATION, SF->631 CAPP ST, SF [redacted] RPCont?:IF NEEDED Comment:**********RP WITNESSED SHOOTING ON CAPP....RP IS WILLING TO SPEAK W/ PD IF THEY NEED HIS PERSPECTIVE OF WHAT HE SAW**********
23:24:46	DT14		CMPLT	3J14E
23:25:20	K082		RI	3B15D
23:29:28	DT14		CMPLT	3D104 Comment:ADM PUBLIC SAFETY QUESTIONS
23:30:10	DT14		CHGLOC	3B14D Location:631 CAPP ST, SF->MISSION STATION, SF LocDesc:btwn 21ST ST and 22ND ST->at 630 VALENCIA ST, SF LocCross:btwn 21ST ST and 22ND ST->btwn CLARION AL and SYCAMORE ST Comment:W/X FROM 21ST/CAPP
23:32:22	DT13		BACKER	3G107 Location:MISSION STATION, SF->21ST ST/CAPP ST, SF Operato[redacted] OperNames:MAHONEY,ERIC #578 Comment:98 TO THIS INCIDENT AS CERT
23:32:28	K082		CLEAR	3B15D Dispo:ND Comment:CONDUCTED TRAFFIC CONTROL ON 20TH ST AND CAPP ST. BWCS WERE NOT ACTIVATED.
23:33:22	DT14		ONSCN	3B14D
23:35:06	DT16		MISCN	3B100 Comment:CONTACT DPT FOR 2 PCO'S
23:35:48	DT16		MISCN	3B100 Comment:PER DPT NOBODY AVAILABLE
23:38:24	K138		RI	3J14D
23:38:29	DT14		MISCN	3D204 Comment:3J13D IS FTO WITH 2 RECRUITS WILL BE RIDING 3D91 UNIT INSURING HEALTH CARE WITH RECRUITS MONITORING CARE PENDING HOMICIDE
23:40:19	K362		RI	3C12D
23:41:47	DT10		MISCN	Comment:PER THE COMMAND VAN ALL STATIONS THAN CAN SPARE ONE UNIT EACH TO RESOPND TO 21ST/CAPP
23:42:17	DT09		BACKER	SP108
23:44:31	DT14		MISCN	3B100 Comment:410 PIO UNIT
23:47:47	DT14		MISCN	3J41E Comment:CSI 97
23:48:06	K049		RI	3J14E
23:49:31	DT06		MISCN	3C12D Comment:HALF WILL BE IN THE MISSION.. THE OTHER HALF WILL BE GOING TO CJ FOR TNO
23:50:43	DT14		BACKOS	5H21
23:51:18	DT14		MISCA	3D204 Comment:***NEED A UNIT TO GO TO 22ND/CAPP - OUTER PERIMETER -- ANOTHER LIGHT UNIT TO 21ST/CAPP -- THIS IS A LARGE CRIME SCENE
23:51:22	SP04		MISCN	Comment:PER 3X300, HAVE 1 2-MAN, MIDNITE UNIT FROM EACH OUTSIDE DISTRICT, GO 10-8 IN THE MISSION AND COME UP ON THE AIR AND IDENTIFY THEMSELVES
23:51:22	DT14		SELECT	
23:56:28	DT14		BACKER	3A120
23:56:40	DT14		MISCN	3A120 Comment:***AS THE PIO***
23:56:43	DT14		ONSCN	3A120
23:56:46	DT10		CLOS	3C12E Location:21ST ST/CAPP ST, SF->21ST ST/SOUTH VAN NESS AV, SF LocDesc:at 630 VALENCIA ST, SF-><3100/ 1000>

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[03/07/2018]				
00:00:42	K041	[redacted]	MISCN	3D14E Comment:REG mask: Query 1: LEVI\VIN\A\A\[redacted] Query 2: *QV/VINSN[redacted] Query 3: IA QV.CA0380100.VIN[redacted] Query 4: IV
				[redacted]
00:04:55	DT14		MISCN	3X400 Comment:WHEN 97, BECAME THE INCIDENT COMMANDER
00:05:26	DT14		CLOS	3X400 Location:21ST ST/SOUTH VAN NESS AV, SF->***INCIDENT COMMANDER***
00:06:08	K041		MISCN	3D14E Comment:SFPDMDCCMDLINE mask: Query 1: [redacted] Query 5: IN
				[redacted]
00:08:27	K041		MISCN	[redacted] PP/Y Query 5: IN
				L1[redacted]
00:09:46	DT14		CLOS	3J14E Location:***INCIDENT COMMANDER***->21ST ST/CAPP ST, SF LocDesc:<3100/ 1000>-><3150/ 600>
00:09:50	DT14		TRANSP	3J14E Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3150/ 600>->at 630 VALENCIA ST, SF Comment:W/ 1
00:09:57	DT14		CLOS	3D15E Location:MISSION STATION, SF->21ST ST/CAPP ST, SF LocDesc:at 630 VALENCIA ST, SF-><3150/ 600>
00:10:03	DT14		TRANSP	3D15E Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3150/ 600>->at 630 VALENCIA ST, SF Comment:W/ 1
00:11:08	K041		MISCN	3D14E Comment:RAPS mask: Query 1: IH
				[redacted]
00:13:26	DT14		MISCN	3D204 Comment:PER INSPECTOR CAGNEY - NEED TO TX HARRIET SIDE OF HALL
00:13:30	DT14		CMPLT	3D15E
00:13:33	DT14		CMPLT	3J14E
00:14:08	DT14		TRANSP	3D15E Location:MISSION STATION, SF->HALL OF JUSTICE, SF LocDesc:at 630 VALENCIA ST, SF->at 850 BRYANT ST, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn BOARDMAN PL and GILBERT ST Comment:HOMICIDE TO THE HARRIETT ST SIDE
00:14:08	DT14		TRANSP	3J14E Comment:HOMICIDE TO THE HARRIETT ST SIDE
00:14:25	DT14		MISCN	3D204 Comment:NEED ACC TO RESPOND TO THE COMMAND POST
00:14:59	DT14		MISCN	3D204 Comment:1 DOG ON A LEASH
00:15:22	DT14		NOTIFY	3D204 Notified:ACC NOTIFIED Comment:10 MINS

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00:16:26	DT14	[redacted]	MISCN	3D204 Comment:**ALSO NEED THE 2 DET'D TO BE TR TO HOMICIDE -- THIS TRF NEEDS TO BE IN SEPARTE VEHS AS WELL
00:18:48	K362		RI	3C12D
00:19:21	K095		CLEAR	3B5E Dispo:ND
00:20:48	K253		CLEAR	3X301 Dispo:HAN
00:21:53	DT10		CMPLT	3J14E Comment:INSPECTOR MEET US ON ON HARRIET OR IN THE GARAGE?
00:22:33	DT10		MISCN	3J14E Comment:97 AT HOJ ON THE HARRIET SIDE
00:23:05	K049		RI	3J14E
00:26:55	DT14		CLOS	3X400 Location:HALL OF JUSTICE, SF->**MISSION COMMAND** Comment:INCIDENT COMMANDER
00:30:18	DT14		BACKOS	5X400 Location:**MISSION COMMAND**->21ST ST/CAPP ST, SF
00:32:56	DT14		BACKOS	5H9
00:32:59	K350		RI	3C12E
00:33:16	K350		RI	3C12E
00:35:21	K029		RI	3B47
00:35:44	DT14		ONSCN	5X400
00:37:14	DT12		CLEAR	3B47
00:38:07	DT14		MISCN	Comment:*** UNIT ADV RESD ARE NOT ABLE TO ENTER THEIR HOMES AT THIS POINT***
00:40:16	DT14		CHGLOC	3D204 Location:21ST ST/CAPP ST, SF->SOUTHERN STATION, SF LocDesc:at 850 BRYANT ST, SF->at 1251 3RD ST, SF LocCross:btwn BOARDMAN PL and GILBERT ST->btwn MISSION ROCK ST and CHINA BASIN ST Comment:***3B114 WILL BE HANDLING THE SCENE***
00:43:23	DT14		BACKOS	1E110 Location:SOUTHERN STATION, SF->21ST ST/CAPP ST, SF
00:46:23	DT14		TRANSP	3B14D Location:21ST ST/CAPP ST, SF->HALL OF JUSTICE, SF LocDesc:at 1251 3RD ST, SF->at 850 BRYANT ST, SF LocCross:btwn MISSION ROCK ST and CHINA BASIN ST->btwn BOARDMAN PL and GILBERT ST Mileage:0.0 Comment:W/ X
00:47:49	DT14		CLOS	3C12D Location:HALL OF JUSTICE, SF->21ST ST/SOUTH VAN NESS AV, SF LocDesc:at 850 BRYANT ST, SF-><3100/ 1000>
00:48:00	DT14		CLOS	3C12E
00:48:08	DT14		MISCN	3B11E Comment:1/2 AT 635 CAPP
00:49:04	DT14		CLOS	3C12D Location:21ST ST/SOUTH VAN NESS AV, SF->22ND ST/CAPP ST, SF LocDesc:<3100/ 1000>-><3150/ 700>
00:51:46	K232		RI	3G107
00:52:07	K232		RI	3G107
00:53:36	DT14		CMPLT	3B14D Mileage:1.7
00:53:46	DT14		MISCN	3B14D Comment:ON THE HARRIET SIDE OF THE HALL
00:57:39	DT06		MISCN	3C12D Comment:LOT IS UNDER CONSTRUCTION .. ON GOING PROBLEM .. REQ DISREGARD .. 3C103 APPROVES
00:57:56	DT06		MISCN	3C12D Comment:DISREGARD LAST COMMENT
00:58:04	DT06		BACKER	3C12
00:58:25	DT06		PRMPT	3C12D Comment:Preempted and dispatched to call [redacted]
01:03:29	DT14		MISCN	3D204 Comment:SHUT DOWN A10....ALL UNITS REVERT TO A4
01:03:54	DT14		MISCN	3D204 Comment:BC ON ALL
01:05:54	DT14		CLOS	3C60
01:07:37	K322		ONSCN	3B12D
01:07:38	K322		ONSCN	3B12D
01:09:16	DT16		CLEAR	3B100 Dispo:ND
01:18:50	DT14		BACKER	3A11E Location:22ND ST/CAPP ST, SF->21ST ST/MISSION ST, SF Operator:[redacted] OperNames:FRISK JAMES J. #715
01:21:07	K350		RI	3C12E
01:22:00	DT14		TRANSP	5H9 Location:21ST ST/MISSION ST, SF->HALL OF JUSTICE, SF LocDesc:<3150/ 700>->at 850 BRYANT ST, SF Comment:W/ WITNESS
01:26:13	DT10		CLEAR	3C12 Dispo:HAN
01:28:02	DT12		CLEAR	3J53D
01:28:28	DT12		CLEAR	3J15D
01:29:03	K374		ONSCN	3A11E

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01:42:59	DT14	[redacted]	CHGLOC	3A11E Location:HALL OF JUSTICE, SF->CAPP ST/21ST ST, SF LocDesc:at 850 BRYANT ST, SF-><600/ 3150>
01:43:39	DT14		BACKER	3H11E Operator:[redacted] OperNames:FOGARTY,BRIAN P. #255; ZHAO,ALLEN #488
01:46:27	DT14		CLOS	3J41E Location:CAPP ST/21ST ST, SF->MISSION STATION, SF LocDesc:<600/ 3150>->at 630 VALENCIA ST, SF LocCross:btwn BOARDMAN PL and GILBERT ST->btwn CLARION AL and SYCAMORE ST
01:46:54	K374		RI	3A11E
01:49:06	DT10		ONSCN	3H11E
01:51:39	DT14		ONSCN	3A11E
02:00:30	K350		RI	3C12E
02:10:56	DT14		MISCN	Comment:HALF OF 3C12D HAS RESIDENT OF [redacted]
02:12:48	K319		RI	3C60
02:19:25	DT14		BACKER	3G14E Location:MISSION STATION, SF->22ND ST/CAPP ST, SF Operator[redacted] OperNames:OSORIO,ADRIAN A. #556; SAKIYAMA DONALD G. #246
02:19:53	K220		RI	3G14E
02:28:33	DT18		MISCN	3J41E Comment:FACE PAGE IS NOW OPEN
02:29:10	K095		RI	3B11E
02:33:05	K319		RI	3C60
02:33:31	K091		ONSCN	3J12E
02:34:08	K319		RI	3C60
02:37:54	DT16		CHANGE	3J12E Location:22ND ST/CAPP ST, SF->125 MASON ST, SF DAREA:3D->3J Area:444->176A LocDesc:at 630 VALENCIA ST, SF->btwn EDDY ST and ELLIS ST LocCross:btwn CLARION AL and SYCAMORE ST->btwn EDDY ST and ELLIS ST Agency:SF->SP Map:A1
02:37:54	CADAPP		PREMIS	Comment:PPR, FPR
02:40:15	DT16		CHANGE	3J12E Location:125 MASON ST, SF->CAPP ST/20TH ST, SF DAREA:3J->3D Area:176A->433 LocDesc:btwn EDDY ST and ELLIS ST-><500/ 3450> Map:A3 Comment:PUT AT 125 MASON IN ERROR
02:40:27	CADAPP		PREMIS	Comment:PPR, FPR
03:02:23	DT12		BACKER	3B13E Location:CAPP ST/20TH ST, SF->HALL OF JUSTICE, SF Operator[redacted] OperNames:CORNEJO-RODRIGUEZ, ANITA #332; LEE,NATHAN #4285
03:07:26	K220		ONSCN	3G14E
03:07:37	K220		RI	3G14E
03:09:10	DT12		CLOS	3J14D Location:HALL OF JUSTICE, SF->TENDERLOIN STATION, SF LocDesc:<500/ 3450>->at 301 EDDY ST, SF LocCross:btwn EDDY ST and ELLIS ST->btwn JONES ST and WAGNER AL
03:09:35	DT14		MISCN	3D106 Comment:FACEPAGE FOR ANYONE NEEDING TO MAKE A STATEMENT OR REPT
03:09:43	K050		ONSCN	3B13E
03:12:04	K095		RI	3B11E
03:19:33	K049		RI	3J14E
03:22:41	K049		CHGLOC	3J14E Location:TENDERLOIN STATION, SF->21ST ST/CAPP ST, SF LocDesc:at 301 EDDY ST, SF-><3150/ 600>
03:22:44	K049		RI	3J14E
03:24:47	K049		RI	3J14E
03:28:26	DT10		BACKOS	3C12D Location:21ST ST/CAPP ST, SF->MISSION STATION, SF
03:28:50	DT14		CLOS	3D204 Location:MISSION STATION, SF->CAPP ST/21ST ST, SF LocDesc:<3150/ 600>-><600/ 3150>
03:29:25	K049		ONSCN	3J14E
03:37:09	K350		RI	3C12E
03:39:15	K049		CLEAR	3J14E Dispo:ND
03:40:12	K350		RI	3C12E
03:40:20	DT12		ONSCN	3J111
03:43:31	DT12		CHGLOC	3B14D Location:CAPP ST/21ST ST, SF->SOUTHERN STATION, SF LocDesc:<600/ 3150>->at 1251 3RD ST, SF LocCross:btwn JONES ST and WAGNER AL->btwn MISSION ROCK ST and CHINA BASIN ST
03:45:12	K220		RI	3G14E

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03:51:00	DT12	[redacted]	CLEAR	3J14D
03:57:09	K350		RI	3C12E
03:57:49	DT12		CLEAR	3B114
04:00:44	K350		RI	3C12E
04:05:13	DT10		CMPLT	3D15E Comment:0030HRS
04:05:22	DT10		CHGLOC	3D15E Location:SOUTHERN STATION, SF->MISSION STATION, SF LocDesc:at [redacted]->at [redacted] LocCross:btwn MISSION ROCK ST and CHINA BASIN ST->btwn CLARION AL and SYCAMORE ST Comment:FU
04:14:09	K330		RI	3F12E
04:15:02	K330		MISCN	3F12E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV 4 [redacted]
04:15:09	K330		MISCN	3F12E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV 4 [redacted]
04:18:12	DT12		CLEAR	3B14D
04:35:01	K350		RI	3C12E
04:35:59	K350		RI	3C12E
04:39:56	DT16		BACKER	3B70 Location:MISSION STATION, SF->21ST ST/CAPP ST, SF Comment:RELIEVING 3B11E FROM OIS IN THE MISSION
04:44:38	DT16		MISCN	3B70 Comment:WILL BE ON A4
04:45:45	DT10		CHGLOC	3B11E Location:21ST ST/CAPP ST, SF->SOUTHERN STATION, SF LocDesc:at 630 VALENCIA ST, SF->at 1251 3RD ST, SF LocCross:btwn CLARION AL and SYCAMORE ST->btwn MISSION ROCK ST and CHINA BASIN ST
04:47:38	K095		RI	3B11E
04:47:55	K095		RI	3B11E
04:48:53	K095		CLEAR	3B11E Dispo:ND
04:51:22	K220		RI	3G14E
04:54:59	DT14		CLEAR	3C12D
05:06:55	DT10		CLEAR	3D15E Dispo:ND
05:12:34	K319		ONSCN	3C60
05:15:49	K096		RI	3B70
05:44:46	K220		MISCN	3G14E Comment:MONSTR mask: Query 1[redacted] Query 2: ID [redacted]
05:57:28	DT11		CLEAR	3F12E
06:05:52	DT12		ONSCN	3B70
06:06:05	DT12		CLEAR	3B12D
06:12:57	DT09		BACKER	3I13A Location:SOUTHERN STATION, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:IVEY,JONATHAN B. L. #540; VAING,THU #618
06:12:57	DT09		BACKER	3G13A Operator[redacted] OperNames:GREEN,DEVAN S. #301; MCCALL, VIOLA #377; PETUYA,MICHAEL A. #2452
06:21:49	K334		RI	3I13A
06:22:43	K334		RI	3I13A
06:28:46	DT11		BACKER	3A48B Operator[redacted] OperNames:BUSALACCHI,VINCENT #2126
06:28:58	K101		RI	3A48B
06:29:44	K151		RI	3G13A

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06:29:46	K334	[redacted]	ONSCN	3I13A
06:37:13	DT12		CHGLOC	3B13E Location:21ST ST/CAPP ST, SF->SOUTHERN STATION, SF Comment:F/U
06:40:38	K350		RI	3C12E
06:40:43	K350		RI	3C12E
06:40:47	K350		RI	3C12E
06:47:13	DT14		BACKOS	3C72 Location:SOUTHERN STATION, SF->21ST ST/CAPP ST, SF Operato[redacted] OperNames:CLOUD,MATTHEW #1159
06:47:13	DT14		BACKOS	3C73 Operator[redacted] OperNames:NORMENT,JOHN #641
06:47:23	DT14		CLOS	3C72 Location:21ST ST/CAPP ST, SF->21ST ST/SOUTH VAN NESS AV, SF LocDesc:at 1251 3RD ST, SF-><3100/ 1000>
06:47:23	DT14		CLOS	3C73
06:48:03	K220		MISCN	3G14E Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\[redacted] Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV [redacted]
06:48:29	DT11		DISPOS	3E14A Operator[redacted] OperNames:FOLTZ,ADAM T. #1165
06:49:33	K220		RI	3G14E
06:50:57	K220		RI	3G14E
06:54:14	DT14		BACKOS	5L24 Location:21ST ST/SOUTH VAN NESS AV, SF->21ST ST/CAPP ST, SF Operato[redacted] OperNames:KELLOGG,ROBERT #1009
06:54:28	DT14		MISCA	5L24 Comment:NO LONGER NEEDS LITES..FIRE CAN COME REMOVE IT
06:54:38	DT14		SELECT	
06:55:07	K220		CLEAR	3G14E Dispo:HAN
07:01:11	DT12		CLEAR	3B13E Dispo:ND
07:01:11	DT12		CLEAR	3J12E Dispo:ND
07:01:11	DT12		CLEAR	3J41E Dispo:ND
07:10:36	K031		CLEAR	3H11E Dispo:HAN
07:20:43	DT14		MISCN	Comment:CONTACT FS21 TO COME DOWN AND GET RIGG OFF CAPP ST
07:20:52	DT14		MISCN	Comment:410 FS21
07:29:14	K374		PRMPT	3A11E Comment:Preempted and dispatched to call #[redacted]
08:17:16	DT14		PRMPT	3C72 Comment:Preempted and dispatched to call #[redacted]
08:17:16	DT14		PRMPT	3C73 Comment:Preempted and dispatched to call #[redacted]
08:36:53	DT11		CLEAR	3E14E
08:36:53	DT11		CLEAR	3E16E
08:40:51	K150		BACKER	3C13A Location:21ST ST/CAPP ST, SF->21ST ST/SOUTH VAN NESS AV, SF Operator:[redacted]OperNames:MIKULAS,IAN #1693
08:56:29	DT11		CLEAR	3A120
08:57:44	K150		CLEAR	3C13A Dispo:HAN
09:01:52	DT16		BACKER	3B30 Location:21ST ST/SOUTH VAN NESS AV, SF->21ST ST/CAPP ST, SF Operator[redacted] OperNames:BERNAL,GERALD #2060
09:03:04	DT09		CLEAR	3G107
09:10:41	DT14		CLEAR	3D13E
09:10:41	DT14		CLEAR	3D300
09:10:41	DT14		CLEAR	3D70
09:10:41	DT14		CLEAR	3D114
09:10:41	DT14		CLEAR	3D11D
09:10:41	DT14		CLEAR	3D11E
09:10:41	DT14		CLEAR	3D14D
09:10:41	DT14		CLEAR	3D14E
09:10:41	DT14		CLEAR	3D15D
09:10:41	DT14		CLEAR	3D41D
09:11:51	DT14		CLEAR	3D113
09:12:41	DT14		CLEAR	3D104
09:16:05	DT14		CLEAR	3C12E

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09:16:07	DT12	[redacted]	MISCN	3J111 Comment:STILL 10-7 THIS ASSIGNMENT -- ALONG WITH 3J11E
09:16:21	DT14		CLEAR	3C60
09:16:44	DT16		BACKOS	3J41E
09:16:57	DT14		CLEAR	5H21
09:26:17	DT13		MISCN	3I13A Comment:STILL 97
09:26:18	DT14		CLEAR	5X400 Comment:PER 3D106 Plate:
09:26:18	DT14		CLEAR	5X112 Comment:PER 3D106 Plate:
09:26:18	DT14		CLEAR	5X116 Comment:PER 3D106 Plate:
09:26:18	DT14		CLEAR	5X34A Comment:PER 3D106 Plate:
09:28:32	DT14		CLEAR	3X400 Comment:PER 3D204
09:29:16	DT14		CLEAR	4T2G Comment:PER 4T1B
09:29:45	DT14		CLEAR	1E110 Comment:ATT'D TO RAISE 1E110, NO RESPONSE, MADE 10-8 PER SUP LECHUGA'S INSTRUCTIONS
09:30:35	DT14		CLEAR	5H9 Comment:ATT'D TO RAISE 1E110, NO RESPONSE, MADE 10-8 PER SUP LECHUGA'S INSTRUCTIONS
09:30:35	DT14		CLEAR	SP108 Comment:ATT'D TO RAISE 1E110, NO RESPONSE, MADE 10-8 PER SUP LECHUGA'S INSTRUCTIONS
09:37:00	DT12		CLEAR	3B70 Dispo:HAN
10:30:26	DT14		DISPER	3D107 Operator[redacted] OperNames:NANGLE,SUSAN #968 Comment:410-FOR JUMP BOX AT REQUEST OF MISSION COMMAND
10:32:23	DT14		XREF	Type:221->WD Agency:SP->SF
10:32:50	DT14		CLEAR	3D107 Type:WD->221 Comment:22 JUMPBOX PER MISSION COMMAND
10:45:42	DT12		BACKER	3J13A Operator[redacted] OperNames:SERRANO,MANUEL J. #766
10:45:52	K337		RI	3J13A
10:46:32	DT12		CLEAR	3J13A Dispo:HAN
10:47:51	DT14		MISCN	3D204 Comment:WILL BE CLEARING CRIME SCENE ON CAPP AND WILL 902 FOR 7I
11:01:51	DT14		MISCN	Comment:MSN COMMAND IS NOW OUT OF SVC
11:19:08	DT15		ONSCN	3A48B
11:20:24	DT12		MISCN	Comment:3J13A NEVER RESPONDED TO THIS RUN
11:21:23	DT11		CLEAR	3E14A Dispo:HAN
11:22:42	DT12		CLEAR	3B30 Dispo:HAN
11:31:54	DT10		REDIR	3J41E DAREA:3D->3J Agency:SF->SP
11:33:46	DT10		CMPLT	3D106
11:33:47	DT10		CLOS	3D106 Location:21ST ST/CAPP ST, SF->MISSION STATION, SF LocDesc:<3100/ 1000>->at 630 VALENCIA ST, SF LocCross:btwn MISSION ROCK ST and CHINA BASIN ST->btwn CLARION AL and SYCAMORE ST
11:33:47	DT10		CLOS	3D204
11:36:25	K334		MISCN	3I13A Comment:SFPDMDCCMDLINE mask: Query 1: LEVI\VLN\A\A\1411 Query 2: *QV/LICPL[redacted] Query 3: IA QV.CA0380100.LIC[redacted] Query 4: IV 4 1411
11:37:34	AX04		REDIR	DAREA:3J->3D
11:37:36	AX04		SELECT	
11:43:25	DT16		CLEAR	3J41E
11:43:25	DT16		CLEAR	3J111
11:57:36	K334		CLEAR	3I13A Dispo:HAN
12:26:16	K151		CLEAR	3G13A Dispo:ND
12:26:16	DT11		CLEAR	3A48B Dispo:HAN
13:21:44	K101		BACKER	3A13C Operator[redacted] OperNames:ZUBKO,MAKSIM A . #637; RISSETTO,NICCOLE LRISSET #2700
13:44:42	DT10		CLEAR	3D106 Dispo:HAN
14:06:32	DT15		ONSCN	3A13C
14:54:42	DT11		CLEAR	3A13C Dispo:HAN
15:11:43	DT10		PRMPT	5L24
17:07:47	DT10		CLEAR	3D204
17:07:47	DT10		CLEAR	

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17:07:47 DT10 [redacted] CLOSE

CALL RECAP:

INITIATE:	22:36:02 03/06/2018	**CALL NUMBER:**	#4174
ENTRY:	22:36:02 03/06/2018	**CURRENT STATUS:**	CLOSE
DISPATCH:	22:36:02 03/06/2018	**PRIMARY UNIT:**	3D13E
ON SCENE:	22:36:02 03/06/2018	**JURISDICTION:**	SP
CLOSE:	17:07:47 03/07/2018	**DISPOSITION:**	HAN
ADDRESS:	CAPP ST/20TH ST, SF		
DAREA:	3D	**REPORT NUMBER:**	[redacted]
SECTOR:	D3	**TYPE:**	000 --> 221 PERSON W/GUN
RA:	433	**PRIORITY:**	A
FIRE:		**PRIOR HISTORY:**	Yes
CP:			
ADDRESS:			
PHONE:		**CAD TIMESTAMP:**	CADT 0307181707

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OPERATOR ASSIGNMENTS:		
	DT14	[redacted]
	CADAPP	TIB
	DT06	
	K086	
	DT10	
	K041	
	K292	
	K028	
	K166	
	SP04	
	DT15	
	DT17	
	K373	
	K095	
	DT05	
	K314	
	K050	
	SP03	
	K350	
	K318	
	K091	
	K029	
	K192	
	DT12	
	K138	
	K319	
	DT16	
	K067	
	K090	
	SP01	
	K082	
	K322	
	DT09	
	K330	
	DT13	
	K070	
	DT06	
	K072	
	K344	
	K113	
	DT12	
	K189	
	K296	
	DT16	
	DT14	
	K362	
	DT14	
	DT15	
	DT08	
	DT13	
	DT16	
	DT09	
AS OF 23:47:47:	DT14	
	K049	
	SP04	
	K095	
	K253	
AS OF 00:30:18:	DT14	
	K232	
	DT14	
	DT16	
	DT10	

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	K374	[redacted]
	DT10	
	K220	
	DT18	
	K095	
	DT12	
	DT10	
	DT16	
	DT14	
	K096	
	DT11	
	DT09	
	K334	
	K101	
	K151	
	K031	
	DT14	
	DT11	
	K150	
	DT16	
	DT09	
	DT14	
	DT12	
	DT16	
	DT13	
	DT14	
	K337	
AS OF 11:01:51:	DT14	
	DT15	
	DT12	
	DT11	
	DT10	
	AX04	
	K101	
	DT10	
	DT15	
	DT11	
	DT10	
AS OF 17:07:47:	DT10	

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SFDPA - 0097-18 - 000782

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	PARK STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA INVESTIGATOR CANDACE CARPENTER
DATE:	9/4/2018
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Friday, September 7, 2018, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER CALEB BOHANNON #4005	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	9/14/2018 at 5:30PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached is the CAD related to the complaint

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102
www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	PARK STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA INVESTIGATOR CANDACE CARPENTER
DATE:	9/4/2018
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Friday, September 7, 2018, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER CALEB BOHANNON #4005	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	9/14/2018 at 5:30PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached is the CAD related to the complaint

DPA
San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102

www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA INVESTIGATOR CANDACE CARPENTER
DATE:	9/4/2018
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Friday, September 7, 2018, at 5:00 p.m.

NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER BAYARDO ROMAN #2373	☐ **NAMED** ☒ **WITNESS**
DATE AND TIME OF INTERVIEW:	9/10/2018 at 7:00PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Attached is the CAD related to the complaint

San Francisco Department of Police Accountability

Paul Henderson
Executive Director
25 Van Ness Avenue, Suite 700
San Francisco, Ca 94102
www.sfgov.org/dpa
t: 415-241-7711
tty: 415-241-7770
f: 415-241-7733

NOTICE TO APPEAR

SERVICE INSTRUCTIONS

TO:	MISSION STATION COMMANDING OFFICER C/O SUBPOENA OFFICER
FROM:	DPA INVESTIGATOR CANDACE CARPENTER
DATE:	9/4/2018
DPA CASE NO.:	**0097-18**

COMMANDING OFFICER: Serve this Order to Appear and any attachments to the member when the member next reports to duty. If the member is on D.P. or extended sick leave, but is medically able to appear, ensure that service is made on the member at the member's residence. Service may also be completed by phone. Once the member has been served, record the Proof of Service in the DPA Interface. If you are unable to serve the member you shall notify the DPA investigator no later than Friday, September 7, 2018, at 5:00 p.m.

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NOTICE AND ORDER TO APPEAR

MEMBER TO BE SERVED:	OFFICER BRYAN SANTANA #2097	☒ **NAMED** ☐ **WITNESS**
DATE AND TIME OF INTERVIEW:	9/14/2018 at 3:30PM	

YOU ARE HEREBY NOTIFIED of your possible involvement in the above-referenced complaint and ORDERED TO APPEAR at the Department of Police Accountability, located at 25 Van Ness Avenue, Suite 700, on the date and time indicated above for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and prepared to proceed. Please bring field notes and any other materials relevant to this incident. Failure to appear or personally provide at least 24 hours' notice of a need to [reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.

ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

DPA
San Francisco Department of Police Accountability

Paul Henderson
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San Francisco, Ca 94102

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SERVICE INSTRUCTIONS

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ADDITIONAL COMMENTS:

[Interview Location: 6th Floor]

Department of Police Accountability

YOU MAY ALSO COMPLETE THIS FORM ONLINE at http://policecomplaints.sfgov.org/

INSTRUCTIONS FOR COMPLETING THIS FORM: Please complete this form to the best of your ability. We will contact you to follow-up. If you do not have a telephone number, please explain the best way to contact you. If you have questions or need help, please call the **DPA at (415) 241-7711**, between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. We provide interpreters at no charge.

Today's Date / Time	Preferred Language	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	English	0097-18

Last Name	First Name	Middle Name
DPA		

	Street		Apt.
Home Address:			
City	**State**	**Zip Code**	
	Street		**Suite**
Work Address:			
City	**State**	**Zip Code**	

Home Phone		Birthdate	
Mobile Phone		Gender	
Work Phone		Ethnicity	
Email		Occupation	

Fold Here First

DPA Use Only

Fold Here Second

OFFICES LOCATED AT:
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
Department of Police Accountability
101 South Van Ness Avenue
San Francisco, CA 94103-9868

Occurrence Date & Time	Occurrence Location	Case No. (DPA Use Only)
Tuesday, March 6, 2018 at 10:36 p.m.	[redacted]	0097-18

Incident Report or Citation No. [redacted]

Department of Police Accountability

Please print your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint. Include the who, what, where, when and why of the incident. If known, please provide the officers' names and star numbers. If unknown, please provide physical descriptions of the officers.

If you need additional space, use separate sheets of paper and attach them to the complaint.

Narrative of Incident: Page 1 of 1

An officer-involved shooting occurred during a traffic stop on Capp Street between 21st and 22nd Streets.

Complainant Signature / Date:	Taken by (Name / Star # / Unit / Date):

SFPD/DPA FORM 293

Department of Police Accountability Allegation Form

DPA CASE NO. 0097-18
COMPLAINANT: DPA OIS INVESTIGATION

Incident, Citation, or CAD Number
[redacted]

Complaint Received					
Person	Phone	Mail-in	Online	SFPD	Other
				X	

Complaint Against		
Person	Policy	Procedure
X		

Location of Occurrence	
Type	District
01	D

Activity	Type	DISP.	Uniform Yes	Uniform No	Rank	Member's Name & Star Number	Unit	Svc.	Gender	Eth.
05	UF		X			ID PENDING	3D			

ALLEGATIONS:

Unnecessary Force (UF)—The officer used unnecessary force.

Officer Ortiz (CSI) Interview Questions
0097-18
4/4/19

Background Training and Experience

1. How long have you been employed by SFPD?
2. Have you been a law enforcement officer with any other agency? Where and When?
3. When did you attend the academy?
4. Have you attended any advanced officer training?
5. Do you live in the city?
6. When did you become a CSI officer?
7. What made you want to be a CSI officer?
8. Were you an investigator anywhere else?
9. How many years have you been a Crime Scene Investigation officer?
10. What kind of training have you received?
    a) How long was the course?
    b) Have you continued training?
        1. Conferences
        2. Courses
        3. Advanced training
11. As a crime scene investigation officer what are your duties and responsibilities?
12. How many OIS's have you responded to?
13. How many major crime scenes have you responded to?
    a) How many involved a firearm?
    b) How many involved a death related to a firearm?

The following questions pertain to the incident that took place on 03/06/18 at approx. after 23:00 on the 600 Block of Capp St.

15. Did you drink any alcohol the day of the event?
16. Did you take any prescription drugs the day of the event?
17. How many hours of sleep did you get the previous night?
18. Did you have prior experience with Officer Gamboa?
19. Did you have prior experience with Officer Barr?
20. Did you have prior experience with Officer Simpson?

21. What was your assignment on March 6, 2018?
    a) Did you have a partner?

21. Tell me what happened when on March 6, 2018 from when you received notification of the OIS?
    a) Who notified you?
    b) Where were you when you were notified?
    c) What time?
    d) What were you told?
    e) How did you arrive on scene?
        1. Personal car
        2. Did you stop at the station to pick up your crime scene kit?

22. What time did you arrive on scene?

23. Is there a time requirement for CSI to respond to a crime scene?
    a) How long?

24. What information about the incident did you know prior to arriving on scene?

25. What did you see when you arrived on scene?

26. What happened when you arrived on scene?
    a) Crime scene tape?
    b) Was the tape placed properly to identify the crime scene?

27. Did you speak to anyone when you arrived on scene?
    a) Who did you speak to?
    b) What did they tell you?

28. On your arrival who was the officer in charge of the crime scene?
    a) Refer to CAD
    b) Did you speak with them?
    c) What did they say?

29. Who helped you process the scene?
    a) What were there roles?

30. Did you see an outer perimeter crime scene?
    a) Where was it
    b) Who was manning it?

31. Where was the inner perimeter?
    a) Who was manning it?

32. At the crime scene did you speak to any officer's?

a) Who
b) What did they say?

33. Did you sign into the crime scene logs?

a) Are you familiar with crimes scene logs?
b) What officer should sign into the crime scene?
c) When should they sign into the crime scene?
d) When should officers sign out?
e) Should officers sign in and out every time they enter and leave the crime scene?
f) On the crime scene log what location should be written down?
    1. Location of the incident or where the entry point to crime scene is?

34. Who should wear gloves on a crime scene?

35. When should you wear gloves on a crime scene?

a) Searching for evidence?
b) Touching items in the crime scene?

36. What happened next?

37. Who did you meet with?

38. What steps did you take to process the crime scene?

a) Make a plan?
b) Walk the scene?
c) Identify critical evidence?
d) Take photos?
e) Notes?

39. Did you create a crime scene sketch?

a) Who assisted?

40. Can you tell me why a crime scene sketch is important?

a) Who completed the crime scene sketch?
b) Why did you take measurements?

41. Do you have any written notes? Journal of notes – can we get a copy

a) Or the original crime scene sketch?

42. Did anyone officer inform you that they searched the area for evidence prior to your arrival?

43. Did any officer tell you they moved items in the crime scene?

44. Where would it be documented that an officer informed you, he moved items on the scene?

45. In a major crime scene or OIS when can a patrol officer search for evidence?

a) Before the scene is secured?

b) After the scene is secured?

46. What are the procedures to notify or document that the officers moved items on the scene during a search?
    a) Notify who OIC
    b) Incident Report?
    c) Memo?

47. What is your understanding of what should have happened with the crime scene prior to your arrival?
48. Who took pictures of the scene?
49. Were the pictures taken by anywhere else? If so, whom?
    a) Was that officer trained as crime scene photography?

50. Who took video of the scene?
    a) Are they trained in crime scene videotaping?

51. What is the purpose of videotaping the scene?
    a) Was the path of pursuit video tapped?
        1. Why or why not

Can you please tell me about the evidence you collected?

Collecting evidence

51. What is the first piece of evidence you collected?
52. How did you identify it?
53. How did you document it
54. How did you collect it?
    1. Photograph?
55. How did you package it?
56. Repeat for all items of evidence. 1-14
57. Please tell me the effect if any not wearing gloves will have when collecting evidence?
58. Where would this be documented?
59. It appears that officer Hope is moving trashcans is this correct?
60. Please tell me what effect if any there is when officers moving the items in the crime scene?
61. Is that a normal procedure?
62. Where should it be documented
63. In what circumstances is ok for an officer to move items in a crime scene?
64. Did you come to any conclusions from evaluating all the evidence at the crime scene?

Interview Questions
Officer Loren Chiu
4/3/19

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Did you review any documents to prepare for this interview?
2. Have you reviewed any videos related to this incident?
3. How many times have you been interviewed regarding this incident? Who interviewed you? As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
   a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
   b. Is there anything that you'd like to clarify?
4. Other than your rep, have you spoke to anyone else about this case?
5. How long have you been employed with SFPD?
6. Where were you stationed at the time of the incident?
   a. How long were you assigned to that station?
7. Where are you currently stationed?
   a. Did you request the transfer to your current station? If so, why?
8. Have you worked at any other law enforcement agencies? If so, where? What was your title?
9. Have you had any previous involvement with [redacted] prior to this incident?
10. Have you had any previous involvement with [redacted] prior to this incident?
11. Have you had any previous involvement with Jesus Delgado-Duarte prior to this incident?
12. You were on duty March 6, 2018, is that correct?

a. What shift?
b. How many hours of sleep had you had before your shift?
c. What time did you arrive to work?

13. Did you make lineup?
14. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
15. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?
16. Describe the uniform you were wearing that day.
17. What equipment did you have on your person?
    a. What was your primary weapon?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
    f. What less lethal options did you have on your person?
18. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
19. Who was your supervisor?
    a. Who did you provide a statement to regarding the incident?
20. What was your assigned sector?

Training and Experience:

21. What type of training had you received regarding felony traffic stops?
22. What type of training had you received regarding barricaded suspects?
23. What type of training had received regarding suspects in trunks?
24. What type of training had received regarding armed suspects?
25. What type of training had you received regarding law enforcement tactics?

CIT Training

26. Have you received CIT training?
27. Have you received Advanced Officer Training?
28. Have you received De-escalation training?
29. Have you received training on crisis negotiation?

Arrival at Scene

30. What were you doing prior to your response to the area of 20th and Capp St?
31. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
32. What information did you receive prior to the responding to the call?
33. Did you discuss any tactics/plan with other officers prior to making contact with Mr. Duarte?
34. Prior to exiting your vehicle, did you run any information on the vehicle or parties involved?
    a. If so, what did you run? What did you learn from the runs?
35. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. At what point did you draw your handgun?
36. Where was Mr. Duarte when you arrived on the scene?
    h. What was he doing?
    i. Describe his body positioning in the trunk.
    j. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    k. How was your visibility?
    l. Did anything obstruct your view of Mr. Duarte?
    m. What could you see? color, make, and model?
    n. Describe his attitude and demeanor
    o. Did he speak? If so, what did he say?
    p. Approximate how far away you were from Mr. Duarte.
37. Describe the environment where the incident happened? (construction? heavy traffic?)
38. How many units were on scene?
39. Had you been in that type of situation before? If so, when? What incident?

40. Explain the purpose of creating time and distance
    a. What are you trained to do with non-complaint individuals?
    b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?
    c. What are you trained to do when the suspect is in a trunk or confined space?
41. What were your primary concerns at this point

Tactics

42. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?
    q. If so, what were they?
    r. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?
    s. Were you given instructions? If so, what were they?
43. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?
    t. Did you give any verbal commands to Mr. Duarte? What were they?
44. Where were you positioned when you gave Mr. Duarte verbal commands?
45. Did you know there was someone in the backseat? If so, how?
    a. Did you see her?
    b. Did someone inform you? If so, whom?
    c. How long into the incident until you were made aware [redacted] was located in the backseat?
    d. Did you inform any other officers that she was in the backseat?
46. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?
47. When you were providing cover, how close were you to the suspect vehicle?
    a. How close were to Officer Stephen Cassinelli #1104?
    b. How close were to Officer Corbyn Carroll #987?
    c. How close were to Officer John Ishida #2035?
    d. How close were to Officer Juan Gustilo #1469?
    e. How close were to Officer Nicholas Nagai #2017?
    f. How close were to Officer Sean O'Rourke #2214?
    g. How close were to Officer Colby Smets #253?
    h. How close were to Officer Ari Smith-Russack?
    i. How close were to Officer Joshua Tupper #4115?

j. How close were to Officer Bryan Santana #2097?

48. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
49. Who was next to you?
50. Did you change position? If so, how many times? Where?
51. Was your firearm drawn? If so, was it pointed? Where was it pointed?
52. Where was Officer Cassinelli in relation to where you were positioned when verbal commands were given to Mr. Duarte?
53. Where was Officer Carroll in relation to where you were positioned when verbal commands were given to Mr. Duarte?
54. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?
55. Where was Officer Ishida in relation to where you were positioned when verbal commands were given to Mr. Duarte?
56. Where was Officer Gustilo in relation to where you were positioned when verbal commands were given to Mr. Duarte?
57. Where was Officer Nagai in relation to where you were positioned when verbal commands were given to Mr. Duarte?
58. Where was Officer O'Rourke in relation to where you were positioned when verbal commands were given to Mr. Duarte?
59. Where was Officer Smets in relation to where you were positioned when verbal commands were given to Mr. Duarte?
60. Where was Officer Smith-Russack in relation to where you were positioned when verbal commands were given to Mr. Duarte?
61. Where was Officer Tupper in relation to where you were positioned when verbal commands were given to Mr. Duarte?
62. Where was Officer Santana in relation to where you were positioned when verbal commands were given to Mr. Duarte?
63. Did you retrieve your ERIW from your vehicle? If no, why not?
64. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
65. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
66. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
67. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
68. How did Mr. Duarte respond after being shot with the ERIW?

k. Did he communicate verbally after being shot with the ERIW?

l. Did Mr. Duarte change positions after being shot with the ERIW?

m. After being shot by the ERIW, what did Mr. Duarte do?

69. Who was closer to Mr. Duarte at this point?
70. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
71. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
72. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
73. Please describe what you saw when verbal commands were given to Mr. Duarte?
74. Did Mr. Duarte have anything in his hand? IF so, please describe?
75. Was Mr. Duarte moving? If so, please describe his movements?
76. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

77. Who fired their handgun first?
78. Who fired their handgun?
    a. Did you see them fire their handgun?
    b. Was your view ever impeded?
79. Did you hear gun fire prior to seeing gun fire?
    a. What did you do when you heard the gun fire?
80. What did you see and perceive prior to firing your weapon?
81. Was your view ever impeded when you opened fire?
82. When did you stop firing your weapon?
    a. Were you ordered to stop firing?
83. What were you aiming at?
84. Did you move while firing your weapon?
85. Do you know how many rounds you fired?
86. How close were you to Mr. Duarte when you opened fire?
87. What was your sequence of fire? (fast, pairs, bursts, etc)
88. Did you use a spare weapon?
89. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?
90. Were there any pedestrians nearby when gunshots were fired?
    n. If yes, were they in the line of sight of any of the officers?
91. How close were you to Mr. Duarte when officers fired their handguns?
92. How close was Officer Cassinelli to Mr. Duarte when Officer Cassinelli fired his handgun?
93. How close was Officer Carroll to Mr. Duarte when Officer Carroll fired his handgun?

94. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?
95. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?
96. How close was Officer Gustilo to Mr. Duarte when Officer Gustilo fired his handgun?
97. How close was Officer Nagai to Mr. Duarte when fired his handgun?
98. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?
99. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?
100. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?
101. How close was Officer Tupper to Mr. Duarte when Officer Tupper fired his handgun?
102. Where was Officer Cassinelli in relation to where you were when he fired his handgun?
103. Where was Officer Carroll in relation to where you were when he fired his handgun?
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108. Where was Officer O'Rourke in relation to where you were when he fired his handgun?
109. Where was Officer Smets in relation to where you were when he fired his handgun?
110. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?
111. Where was Officer Tupper in relation to where you were when he fired his handgun?

After the shooting

112. What did you do after you stopped firing?
113. After the gunshots stopped, what did you do?
114. Did you know where the gunshots were coming from?
115. How long was the incident?
116. Describe Mr. Duarte's body positioning after the shooting.
117. Was a 408 requested? Who requested it?
118. Did you speak to anyone at the scene after the shooting?
    a. If so, who?
    b. What did you say?
119. What happened to you once your supervisor arrived at the scene?
120. What did you do?
121. Did you provide a public safety statement?

a. To whom?

122. What happened to your weapon?

123. Were you given a replacement?

124. Where did you go after you left the scene? With whom?

125. Were you separated and monitored after the incident?

126. Were you still in possession of your BWC?

a. If so, did anyone retrieve the camera from you?

b. If so, who?

127. Were you injured as a result of this incident?

128. Were you provided medical treatment? Where?

129. What treatment were you given?

130. What was your diagnosis?

131. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)

a. If so, describe.

b. What happened after you were released from the hospital?

c. Where did you go? With whom?

132. What time did you go home?

133. When did you first provide a statement regarding this incident?

a. To whom did you provide a statement?

134. Did you have access to your BWC footage at the time?

135. Who else did you speak to about the incident?

136. Did you speak to your POA rep after the incident? When?

137. At what point did you prepare a brief written statement about the incident? If no, why not?

a. Were you told what information was to be provided in that brief statement?

b. If so what elements did you have to cover in the statement?

138. Did you provide any verbal statement to the officer preparing the incident report?

139. Did you provide a written statement for the report?

Draw diagram

Please draw a diagram of the scene. Draw the vehicles, your position, distance and other officers position. Please label the officers with their star number.

Officer Ortiz Interview Questions
CSI
4/9/19

Background Training and Experience

1. How long have you been employed by SFPD?
2. Have you been a law enforcement officer with any other agency? Where and When?
3. When did you attend the academy?
4. When did you conclude your FTO training?
5. Have you attended any advanced officer training?
6. Do you live in the city?
7. When did become a CSI?
8. What made you want to be a CSI?
9. Were you an investigator anywhere else?
10. How many years have you been a Crime scene investigator?
11. What kind of training have you received?
    a) How long was the course?
    b) Have you continued training?
        1. Conferences
        2. Courses
        3. Do you have CV
12. As a crime scene investigation what are your role and responsibilities?
13. How many OIS's have you responded to?
14. How many major crime scenes have you responded to?
    a) How many were involved a firearm?

The following questions pertain to the incident that took place on 03/06/18 at approx. after 23:00 on the 600 Block of Capp St.

15. Did you drink any alcohol the day of the event?
16. Did you take any prescription drugs the day of the event?
17. Did you have prior experience with Officer Gamboa?
18. Did you have prior experience with Officer Barr?
19. Did you have prior experience with Officer Simpson?
20. What was your assignment on March 6, 2018?

a) Did you have a partner?

21. Tell me what happened when on March 6, 2018 from when you received notification of the OIS?
    a) Who notified you?
    b) Where were you when you were notified?
    c) What time?
    d) What were you told?
    e) How did you arrive on scene?
        1. Personal car
        2. Did you stop at the station to pick up your crime scene kit?
22. What time did you arrive on scene?
23. Is there a time requirement for CSI to respond to a crime scene?
    a) How long?
24. What did you see when you arrived on scene?
25. What happened when you arrived on scene?
    a) Crime scene tape?
    b) Was the tape placed properly to identify the crime scene?
26. Did you speak to anyone when you arrived on scene?
    a) Who did you speak to?
    b) What did they tell you?
27. On your arrival who was the officer in charge of the crime scene?
    a) Refer to CAD
    b) Did you speak with them?
    c) What did they say?
28. Who helped you process the scene?
    a) What were there roles?
29. Did you see an outer perimeter crime scene?
    a) Where was it
    b) Who was manning it?
30. Where was the inner perimeter?
    a) Who was manning it?
31. At the crime scene did you speak to any officer's?
    a) Who
    b) What did they say?

32. Did you sign into the crime scene logs?

    a) Are you familiar with crimes scene logs?
    b) What officer should sign into the crime scene?
    c) When should they sign into the crime scene?
    d) When should officers sign out?
    e) Should officers sign in and out every time they enter and leave the crime scene?
    f) On the crime scene log what location should be written down?
        1. Location of the incident or where the entry point to crime scene is?

33. Who should wear gloves on a crime scene?

34. When should you wear gloves on a crime scene?

    a) Searching for evidence?
    b) Touching items in the crime scene?

35. What happened next?

36. Who did you meet with?

37. What steps did you take to process the crime scene?

    a) Make a plan?
    b) Walk the scene?
    c) Identify critical evidence?
    d) Take photos?
    e) Notes?

38. Did you create a crime scene sketch?

    a) Who assisted?

39. Can you tell me why a crime scene sketch is important?

    a) Who completed the crime scene sketch?
    b) Why did you take measurements?

40. Do you have any written notes? Journal of notes – can we get a copy

    a) Or the original crime scene sketch?

41. Did anyone officer inform you that they searched the area for evidence prior to your arrival?

42. Did any officer tell you they moved items in the crime scene?

43. Where would it be documented that an officer informed you, he moved items on the scene?

44. In a major crime scene or OIS when can a patrol officer search for evidence?

    a) Before the scene is secured?
    b) After the scene is secured?

45. What are the procedures to notify or document that the officers moved items on the scene during a search?
    a) Notify who OIC
    b) Incident Report?
    c) Memo?

46. What is your understanding of what should have happened with the crime scene prior to your arrival?

47. Who took pictures of the scene?

48. Were the pictures taken by anywhere else? If so, whom?
    a) Was that officer trained as crime scene photography?

49. Who took video of the scene?
    a) Are they trained in crime scene videotaping?

50. What is the purpose of videotaping the scene?
    a) Was the path of pursuit video tapped?
        1. Why or why not

Can you please tell me about the evidence you collected?

Collecting evidence

51. What is the first piece of evidence you collected?
52. How did you identify it?
53. How did you document it
54. How did you collect it?
    1. Photograph?
55. How did you package it?
56. Repeat for all items of evidence. 1-14
57. Please tell me the effect if any not wearing gloves will have when collecting evidence?
58. Where would this be documented?
59. It appears that officer Hope is moving trashcans is this correct?
60. Please tell me what effect if any there is when officers moving the items in the crime scene?
61. Is that a normal procedure?
62. Where should it be documented
63. In what circumstances is ok for an officer to move items in a crime scene?

Interview Questions

Officer Bayardo Roman #2373

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted]. The victims involved in the incident are Mr. [redacted] and Mr. [redacted].

1. Tell what happened
2. Did you review any documents to prepare for this interview?
3. Have you reviewed any videos related to this incident?
4. How many times have you been interviewed regarding this incident? Who interviewed you? As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
5. How long have you been employed with SFPD?
6. Where are you currently stationed?
    a. How long have you been assigned to Mission Station?
7. Have you worked at any other law enforcement agencies? If so, where? What was your title?
8. Were you on duty March 6, 2018? If so, what hours did you work?
9. What was your assignment? What was your assigned sector?
10. What time did you arrive to work?
11. Did you make lineup?
12. Did you have a partner? If so, whom?
13. How long have you worked together?
14. Were you driver or passenger?
15. Were you in a marked patrol vehicle?
16. Were you in uniform?
17. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?
18. What was your primary weapon?
    a. What type of holster do you use?

19. Do you carry a backup weapon? If so, what? Where do you conceal it?
    a. Did you draw your backup weapon?

Training and Experience: Spanish

20. Do you speak another language other than English? If so, what language? How many languages do you speak?
21. Are you certified by the Department of Human Resources as having proficiency in the Spanish language?
22. Does DHR test written and verbal proficiency?
23. Please explain the DHR certification process
24. How long have you been DHR certified as proficient in the Spanish language?
25. Do you have to renew your language certification with DHR?
26. Do you receive bilingual pay?
27. As a Spanish bilingual officer, do you have added responsibilities while on duty? If so, what are they?
28. What is the difference between language translation and language interpretation?
29. Do you provide both services for SFPD? If no, what service do you provide?
30. Do you receive additional translation training in the Academy?
31. Do you receive additional interpreting training in the Academy?
32. How often do you translate while working?
33. What is your background as a translator?
34. Do you work as an interpreter?
35. How did you learn to speak Spanish?
36. When not working, how often do you speak Spanish?
37. Do you speak Spanish at home?
38. How often do you speak Spanish at home?
39. Prior to working for SFPD, did you have any translation training?
40. Prior to working for SFPD, did you have any interpreting training?
41. Have you received a Spanish proficiency certification from another jurisdiction or agency? If so, when? Is it written and verbal? Do you renew the certification?

CIT Training

42. Have you received CIT training?
    a. In training, were there any scenarios involving Language Access Services for Limited English Proficient (LEP) Persons?
43. Have you received Advanced Officer Training?

a. In training, were there any scenarios involving Language Access Services for Limited English Proficient (LEP) Persons?

44. Have you received De-escalation training?
45. Have you received training on crisis negotiation?
    a. In training, were there any scenarios involving Language Access Services for Limited English Proficient (LEP) Persons?

Incident

46. What brought you to the location of the incident? (citizen flag down, observation, requested)
    a. Did you properly reflect your status? (en route, code 3) If no, why not?
    b. Was this done on the air?
    c. Was this done on the MDT?
47. What was your direction of approach?
    a. How did you place your vehicle? Why?
48. What was your communication with your partner when you arrived? (Observation. Movement)
49. What was your initial response location?
    a. Why were you at that location?
    b. What did you observe when you arrived?
    c. Who did you speak to?
50. What less lethal options did you have available on your person?
51. What less lethal options did you have available in your car?
52. What verbal communication was exchanges between officers?
53. What nonverbal communication was exchanged between officers?
54. How many officers responded? Who were they if you know?
    a. How many units were on scene?
55. Was there a sergeant at the scene? If so, whom? When did the sergeant arrive?
56. Describe the environment where the incident happened? (construction? heavy traffic?)
57. Did a sergeant arrive on the scene prior to the shots fired? If so, whom?
58. Was the suspect armed? If so, what weapon was the suspect armed with?
    a. Was the weapon recovered?

59. Did you see any officer fire? If so, whom
    a. Where were you positioned at the time of the officers fired?
    b. What else did you see?
    c. How many rounds do you think were fired?
60. Where were you in relation to the suspect?
    a. Did you have cover?
    b. What was his direction of fire?
    c. What was his sequence of fire? (fast, slow, pairs, bursts)

Interview Questions
Officer Milen Banegas #963
9/14/18

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Did you review any documents to prepare for this interview?
2. Have you reviewed any videos related to this incident?
3. How many times have you been interviewed regarding this incident? Who interviewed you? As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
4. How long have you been employed with SFPD?
5. Where are you currently stationed?
    a. How long have you been assigned to Mission Station?
6. Have you worked at any other law enforcement agencies? If so, where? What was your title?
7. Were you on duty March 6, 2018? If so, what hours did you work?
8. What was your assignment? What was your assigned sector?
9. What time did you arrive to work?
10. Did you make lineup?
11. Did you have a partner? If so, whom?
12. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?

Training and Experience: Spanish

13. Do you speak another language other than English? If so, what language? How many languages do you speak?
14. Are you certified by the Department of Human Resources as having proficiency in the Spanish language?
15. Does DHR test written and verbal proficiency?
16. Please explain the DHR certification process
17. How long have you been DHR certified as proficient in the Spanish language?
18. Do you have to renew your language certification with DHR?
19. Do you receive bilingual pay?
20. As a Spanish bilingual officer, do you have added responsibilities while on duty? If so, what are they?
21. What is the difference between language translation and language interpretation?
22. Do you provide both services for SFPD? If no, what service do you provide?
23. Do you receive additional translation training in the Academy?
24. Do you receive additional interpreting training in the Academy?
25. How often do you translate while working?
26. What is your background as a translator?
27. Do you work as an interpreter?
28. How did you learn to speak Spanish?
29. When not working, how often do you speak Spanish?
30. Do you speak Spanish at home?
31. How often do you speak Spanish at home?
32. Prior to working for SFPD, did you have any translation training?
33. Prior to working for SFPD, did you have any interpreting training?
34. Have you received a Spanish proficiency certification from another jurisdiction or agency? If so, when? Is it written and verbal? Do you renew the certification?

CIT Training

35. Have you received CIT training?
36. Have you received Advanced Officer Training?
37. Have you received De-escalation training?
38. Have you received training on crisis negotiation?

Arrival at Scene

39. What were you doing prior to your response to the area of 20th and Capp St?
40. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
41. Please describe, in detail, your encounter with Mr. Duarte on March 6, 2018
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Who was providing lethal cover?
42. Where was Mr. Duarte when you arrived on the scene?
    e. What was he doing?
    f. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    g. How was your visibility?
    h. Did anything obstruct your view of Mr. Duarte?
    i. What could you see? color, make, and model?
    j. Describe his attitude and demeanor
    k. Did he speak? If so, what did he say?
43. Describe the environment where the incident happened? (construction? heavy traffic?)
44. How many units were on scene?
45. Have you been in that type of situation before? If so, when? What incident?

Bullhorn

46. Did you discuss tactics/plan with other officers prior to contacting Mr. Duarte?
    l. If so, what were they?
    m. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?
    n. Were you given instructions? If so, what were they?
47. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?
    o. Did you give any verbal commands to Mr. Duarte? What were they?
    p. Were verbal commands given in Spanish?
48. Where were you positioned when you gave Mr. Duarte verbal commands?
49. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?
    q. Were verbal commands given in Spanish?

50. When you gave the commands to Mr. Duarte in Spanish, how close were you to him?
    r. How close was Officer Stephen Cassinelli #1104?
    s. How close was Officer Corbyn Carroll #987?
    t. How close was Officer Loren Chiu #1306?
    u. How close was Officer John Ishida #2035?
    v. How close was Officer Juan Gustilo #1469?
    w. How close was Officer Nicholas Nagai #2017?
    x. How close was Officer Sean O'Rourke #2214?
    y. How close was Officer Colby Smets #253?
    z. How close was Officer Ari Smith-Russack?
    aa. How close was Officer Joshua Tupper #4115?
    bb. How close was Officer Bryan Santana #2097?
    cc. How did Mr. Duarte respond to those commands?
51. Where was Officer Cassinelli in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
52. Where was Officer Carroll in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
53. Where was Officer Chiu in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
54. Where was Officer Ishida in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
55. Where was Officer Gustilo in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
56. Where was Officer Nagai in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
57. Where was Officer O'Rourke in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
58. Where was Officer Smets in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
59. Where was Officer Smith-Russack in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
60. Where was Officer Tupper in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
61. Where was Officer Santana in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
62. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
63. How many ERIW rounds did Officer Santana fire at Mr. Duarte?

64. How did Mr. Duarte respond after being shot with the ERIW?
    dd. Did he communicate with you verbally after being shot with the ERIW?
    ee. Did Mr. Duarte change positions after being shot with the ERIW?
    ff. After being shot by the ERIW, what did Mr. Duarte do?
65. Who was closer to Mr. Duarte at this point?
66. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
67. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
68. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
69. Please describe what you saw when you were giving verbal commands to Mr. Duarte?
70. Did Mr. Duarte have anything in his hand? IF so, please describe?
71. Was Mr. Duarte moving? If so, please describe his movements?
72. Was your weapon drawn? If no, why not?

Shooting

73. Who fired their handgun first?
74. Who fired their handgun?
75. Do you see them fire their handgun?
76. Was your view ever impeded?
77. Did you hear gun fire prior to seeing gun fire?
78. What did you do when you heard the gun fire?
79. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?
80. Were there any pedestrians nearby when gunshots were fired?
    gg. If yes, were they in the line of sight of any of the officers?
81. How close were you to Mr. Duarte when officers fired their handguns?
82. How close was Officer Cassinelli to Mr. Duarte when Officer Cassinelli fired his handgun?
83. How close was Officer Carroll to Mr. Duarte when Officer Carroll fired his handgun?
84. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?
85. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?
86. How close was Officer Gustilo to Mr. Duarte when Officer Gustilo fired his handgun?
87. How close was Officer Nagai to Mr. Duarte when fired his handgun?
88. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?
89. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?

90. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?
91. How close was Officer Tupper to Mr. Duarte when Officer Tupper fired his handgun?
92. Where was Officer Cassinelli in relation to where you were when he fired his handgun?
93. Where was Officer Carroll in relation to where you were when he fired his handgun?
94. Where was Officer Chiu in relation to where you were when he fired his handgun?
95. Where was Officer Ishida in relation to where you were when he fired his handgun?
96. Where was Officer Gustilo in relation to where you were when he fired his handgun?
97. Where was Officer Nagai in relation to where you were when he fired his handgun?
98. Where was Officer O'Rourke in relation to where you were when he fired his handgun?
99. Where was Officer Smets in relation to where you were when he fired his handgun?
100. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?
101. Where was Officer Tupper in relation to where you were when he fired his handgun?
102. Why did officers stop firing?
103. What did you do after officers stopped firing?
104. After the gunshots stopped, what did you do?
105. Did you give verbal commands to [redacted]? If so, what did you say? Did you give the commands in Spanish?
106. Did it sound like multiple gunshots?
107. Did you know where the gunshots were coming from?
108. How long did you speak Mr. Duarte in Spanish? An estimation
109. How long was the incident?

BWC

110. When did you activate your BWC?
111. What did you say?
112. Why did you use the word "echar"? (to pour or throw)
113. Why did you use the word "balasos"? (bullets)
114. Do you normally use those words as warning before officers fire ERIWs? If no, then what?
115. Why was this incident different from the other incident?

Draw diagram

Please draw a diagram of the scene. Draw the vehicles, your position, distance and other officers position. Please label the officers with their star number.

Interview Questions
Officer Caleb Bohannon
9/14/18

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Did you review any documents to prepare for this interview?
2. Have you reviewed any videos related to this incident?
3. How many times have you been interviewed regarding this incident? Who interviewed you? As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
4. How long have you been employed with SFPD?
5. Where are you currently stationed?
   a. How long have you been assigned to Mission Station?
6. Have you worked at any other law enforcement agencies? If so, where? What was your title?
7. Were you on duty March 6, 2018? If so, what hours did you work?
8. What was your assignment?
9. What sector were you assigned?
10. What time did you arrive to work?
11. Did you make lineup?
12. Did you have a partner? If so, whom?
13. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?

CIT Training

14. Have you received CIT training?
15. Have you received Advanced Officer Training?
16. Have you received De-escalation training?
17. Have you received training on crisis negotiation?

Arrival at Scene

18. Did you respond to the area of 21st and Cap St?
19. What were you doing prior to your response to the area of 21st and Capp St?
20. What location did you respond? What was your position?
21. Please describe, in detail, your actions at the scene
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Who was providing lethal cover?
22. Where was Mr. Duarte when you arrived on the scene?
    e. What was he doing?
    f. How was your visibility?
    g. What could you see?
    h. Describe his attitude and demeanor
    i. Did he speak? If so, what did he say?
23. Describe the environment where the incident happened? (construction? heavy traffic?)
24. Did you discuss tactics/plan with other officers regarding the occupants of the vehicle?
    j. If so, what were they?
    k. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?
    l. Were you given instructions? If so, what were they?
25. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?
    m. Did you give any verbal commands to Mr. Duarte? What were they?
    n. Were verbal commands given in Spanish?
26. Where were you positioned when you gave Mr. Duarte verbal commands?
27. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

o. Were verbal commands given in Spanish?

28. When you gave the commands to Mr. Duarte, how close were you to him?
    p. How close was Officer Stephen Cassinelli #1104?
    q. How close was Officer Corbyn Carroll #987?
    r. How close was Officer Loren Chiu #1306?
    s. How close was Officer John Ishida #2035?
    t. How close was Officer Juan Gustilo #1469?
    u. How close was Officer Nicholas Nagai #2017?
    v. How close was Officer Sean O'Rourke #2214?
    w. How close was Officer Colby Smets #253?
    x. How close was Officer Ari Smith-Russack?
    y. How close was Officer Joshua Tupper #4115?
    z. How close was Officer Bryan Santana #2097?
    aa. How did Mr. Duarte respond to those commands?
29. Where was Officer Cassinelli in relation to where you were positioned?
30. Where was Officer Carroll in relation to where you were positioned?
31. Where was Officer Chiu in relation to where you were positioned?
32. Where was Officer Ishida in relation to where you were positioned?
33. Where was Officer Gustilo in relation to where you were positioned?
34. Where was Officer Nagai in relation to where you were positioned?
35. Where was Officer O'Rourke in relation to where you were positioned?
36. Where was Officer Smets in relation to where you were positioned?
37. Where was Officer Smith-Russack in relation to where you were positioned?
38. Where was Officer Tupper in relation to where you were positioned?
39. Where was Officer Santana in relation to where you were positioned?
40. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
41. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
42. How did Mr. Duarte respond after being shot with the ERIW?
    bb. Did he communicate after being shot with the ERIW?
    cc. Did Mr. Duarte change positions after being shot with the ERIW?
    dd. After being shot by the ERIW, what did Mr. Duarte do?
43. Who was closer to Mr. Duarte at this point?

44. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
45. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
46. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
47. Did Mr. Duarte have anything in his hand? IF so, please describe?
48. Was Mr. Duarte moving? If so, please describe his movements?
49. Was your weapon drawn? If no, why not?

Shooting

50. Who fired their handgun first?
51. Who fired their handgun?
52. Do you see them fire their handgun?
53. Was your view ever impeded?
54. Did you hear gun fire prior to seeing gun fire?
55. What did you do when you heard the gun fire?
56. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?
57. Were there any pedestrians nearby when gunshots were fired?
    ee. If yes, were they in the line of sight of any of the officers?
58. How close were you to Mr. Duarte when officers fired their handguns?
59. How close was Officer Cassinelli to Mr. Duarte when he fired his handgun?
60. How close was Officer Carroll to Mr. Duarte when he fired his handgun?
61. How close was Officer Chiu to Mr. Duarte when he fired his handgun?
62. How close was Officer Ishida to Mr. Duarte when he fired his handgun?
63. How close was Officer Gustilo to Mr. Duarte when he fired his handgun?
64. How close was Officer Nagai to Mr. Duarte when he fired his handgun?
65. How close was Officer O'Rourke to Mr. Duarte when he fired his handgun?
66. How close was Officer Smets to Mr. Duarte when he fired his handgun?
67. How close was Officer Smith-Russack to Mr. Duarte when he fired his handgun?
68. How close was Officer Tupper to Mr. Duarte when he fired his handgun?
69. Where was Officer Cassinelli in relation to where you were when he fired his handgun?
70. Where was Officer Carroll in relation to where you were when he fired his handgun?
71. Where was Officer Chiu in relation to where you were when he fired his handgun?
72. Where was Officer Ishida in relation to where you were when he fired his handgun?
73. Where was Officer Gustilo in relation to where you were when he fired his handgun?

74. Where was Officer Nagai in relation to where you were when he fired his handgun?
75. Where was Officer O'Rourke in relation to where you were when he fired his handgun?
76. Where was Officer Smets in relation to where you were when he fired his handgun?
77. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?
78. Where was Officer Tupper in relation to where you were when he fired his handgun?
79. Why did officers stop firing?
80. What did you do after officers stopped firing?
81. After the gunshots stopped, what did you do?
82. Did you give verbal commands to Ms. [redacted]? If so, what did you say? Did you give the commands in Spanish?
83. Were you injured? If so, please explain.
    a. How?
    b. Where
    c. What?

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Corbyn Carroll #987_____, who is a named officer in this matter.
4. Representing Officer __Carroll____ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Carroll_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer _____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

   - You have the right to remain silent.
   - Anything you say may be used against you in court.
   - You have the right to an attorney before and after questioning.

   Do you understand each of these rights that I have explained to you?
   With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

   - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

   - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

   - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

   - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer _____, will you answer my questions as ordered at this time?

   a. (If yes, proceed with questions.)
   b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000824

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
   a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
   b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
   a. How long were you assigned to that station?
   b. What was your assigned sector?
8. Where are you currently stationed?
   a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with [redacted] prior to this incident?
11. Have you had any previous involvement with [redacted] prior to this incident?
12. Have you had any previous involvement with Jesus Delgado-Duarte prior to this incident?
13. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?

c. What time did you arrive to work?

14. Did you make lineup?
15. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
16. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?
17. Describe the uniform you were wearing that day.
18. What equipment did you have on your person?
    a. What was your primary weapon?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
    f. What less lethal options did you have on your person?
19. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
20. Who was your supervisor?
    a. Who did you provide a statement to regarding the incident?

Training and Experience:

21. What type of training had you received regarding felony traffic stops?
22. What type of training had you received regarding barricaded suspects?
23. What type of training had you received regarding suspects in trunks?
24. What type of training had you received regarding armed suspects?
25. What type of training had you received regarding law enforcement tactics?
26. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?

CIT Training

27. Had you received CIT training? If no, have you?

28. Had you received Advanced Officer Training? If no, have you?
29. Had you received De-escalation training? If no, have you?
30. Had you received training on crisis negotiation? If no, have you?

Arrival at Scene

31. What were you doing prior to your response to the area of 20th and Capp St?
32. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
33. What information did you receive prior to the responding to the call?
34. Did you discuss any tactics/plan with other officers prior to making contact with Mr. Duarte?
35. Prior to exiting your vehicle, did you run any information on the vehicle or parties involved?
    a. If so, what did you run? What did you learn from the runs?
36. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. At what point did you draw your handgun?
37. Where was Mr. Duarte when you arrived on the scene?
    h. What was he doing?
    i. Describe his body positioning in the trunk.
    j. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    k. How was your visibility?
    l. Did anything obstruct your view of Mr. Duarte?
    m. What could you see? color, make, and model?
    n. Describe his attitude and demeanor
    o. Did he speak? If so, what did he say?
    p. Approximate how far away you were from Mr. Duarte.
38. Describe the environment where the incident happened? (construction? heavy traffic?)
39. How many units were on scene?
40. Had you been in that type of situation before? If so, when? What incident?
41. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

42. What were your primary concerns at this point?

Tactics

43. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

q. If so, what were they?

r. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

s. Were you given instructions? If so, what were they?

44. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

t. Did you give any verbal commands to Mr. Duarte? What were they?

45. Where were you positioned when you gave Mr. Duarte verbal commands?

46. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did you inform any other officers that she was in the backseat?

47. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

48. When you were providing cover, how close were you to the suspect vehicle?

a. How close were to Officer Stephen Cassinelli #1104?

b. How close were to Officer Juan Gustilo?

c. How close were to Officer John Ishida #2035?

d. How close were to Officer Loren Chiu?

e. How close were to Officer Nicholas Nagai #2017?

f. How close were to Officer Sean O'Rourke #2214?

g. How close were to Officer Colby Smets #253?

h. How close were to Officer Ari Smith-Russack?

i. How close were to Officer Joshua Tupper #4115?

j. How close were to Officer Bryan Santana #2097?

49. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
50. Who was next to you?
51. Did you change position? If so, how many times? Where?
52. Was your firearm drawn? If so, was it pointed? Where was it pointed?
53. Where was Officer Cassinelli in relation to where you were positioned when verbal commands were given to Mr. Duarte?
54. Where was Officer Gustilo in relation to where you were positioned when verbal commands were given to Mr. Duarte?
55. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?
56. Where was Officer Ishida in relation to where you were positioned when verbal commands were given to Mr. Duarte?
57. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?
58. Where was Officer Nagai in relation to where you were positioned when verbal commands were given to Mr. Duarte?
59. Where was Officer O'Rourke in relation to where you were positioned when verbal commands were given to Mr. Duarte?
60. Where was Officer Smets in relation to where you were positioned when verbal commands were given to Mr. Duarte?
61. Where was Officer Smith-Russack in relation to where you were positioned when verbal commands were given to Mr. Duarte?
62. Where was Officer Tupper in relation to where you were positioned when verbal commands were given to Mr. Duarte?
63. Where was Officer Santana in relation to where you were positioned when verbal commands were given to Mr. Duarte?
64. Did you retrieve your ERIW from your vehicle? If no, why not?
65. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
66. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
67. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
68. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
69. How did Mr. Duarte respond after being shot with the ERIW?
    k. Did he communicate verbally after being shot with the ERIW?
    l. Did Mr. Duarte change positions after being shot with the ERIW?
    m. After being shot by the ERIW, what did Mr. Duarte do?

70. Who was closer to Mr. Duarte at this point?
71. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
72. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
73. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
74. Please describe what you saw when verbal commands were given to Mr. Duarte?
75. Did Mr. Duarte have anything in his hand? IF so, please describe?
76. Was Mr. Duarte moving? If so, please describe his movements?
77. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

78. Who fired their handgun first?
79. Who fired their handgun?
    a. Did you see them fire their handgun?
    b. Was your view ever impeded?
80. Did you hear gun fire prior to seeing gun fire?
    a. What did you do when you heard the gun fire?
81. What did you see and perceive prior to firing your weapon?
82. Was your view ever impeded when you opened fire?
83. When did you stop firing your weapon?
    a. Were you ordered to stop firing?
84. What were you aiming at?
85. Did you move while firing your weapon?
86. Do you know how many rounds you fired?
87. How close were you to Mr. Duarte when you opened fire?
88. What was your sequence of fire? (fast, pairs, bursts, etc)
89. Did you use a spare weapon?
90. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?
91. Were there any pedestrians nearby when gunshots were fired?
    n. If yes, were they in the line of sight of any of the officers?
92. How close were you to Mr. Duarte when officers fired their handguns?
93. How close was Officer Cassinelli to Mr. Duarte when Officer Cassinelli fired his handgun?
94. How close was Officer Gustilo to Mr. Duarte when Officer Carroll fired his handgun?
95. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?

96. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?

97. How close were you to Mr. Duarte when you fired his handgun?

98. How close was Officer Nagai to Mr. Duarte when fired his handgun?

99. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?

100. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?

101. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?

102. How close was Officer Tupper to Mr. Duarte when Officer Tupper fired his handgun?

103. Where was Officer Cassinelli in relation to where you were when he fired his handgun?

104. Where was Officer Gustilo in relation to where you were when he fired his handgun?

105. Where was Officer Chiu in relation to where you were when he fired his handgun?

106. Where was Officer Ishida in relation to where you were when he fired his handgun?

107. Where was Officer Nagai in relation to where you were when he fired his handgun?

108. Where was Officer O'Rourke in relation to where you were when he fired his handgun?

109. Where was Officer Smets in relation to where you were when he fired his handgun?

110. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?

111. Where was Officer Tupper in relation to where you were when he fired his handgun?

After the shooting

112. What did you do after you stopped firing?

113. After the gunshots stopped, what did you do?

114. Did you know where the gunshots were coming from?

115. How long was the incident?

116. Describe Mr. Duarte's body positioning after the shooting.

117. Was a 408 requested? Who requested it?

118. Did you speak to anyone at the scene after the shooting?

    a. If so, who?

    b. What did you say?

119. What happened to you once your supervisor arrived at the scene?

120. What did you do?

121. Did you provide a public safety statement?

    a. To whom?

122. What happened to your weapon?

123. Were you given a replacement?

124. Where did you go after you left the scene? With whom?

125. Were you separated and monitored after the incident?

126. Were you still in possession of your BWC?

    a. If so, did anyone retrieve the camera from you?

    b. If so, who?

127. Were you injured as a result of this incident?

128. Were you provided medical treatment? Where?

129. What treatment were you given?

130. What was your diagnosis?

131. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)

    a. If so, describe.

    b. What happened after you were released from the hospital?

    c. Where did you go? With whom?

132. What time did you go home?

133. When did you first provide a statement regarding this incident?

    a. To whom did you provide a statement?

134. Did you have access to your BWC footage at the time?

135. Who else did you speak to about the incident?

136. Did you speak to your POA rep after the incident? When?

137. At what point did you prepare a brief written statement about the incident? If no, why not?

    a. Were you told what information was to be provided in that brief statement?

    b. If so what elements did you have to cover in the statement?

138. Did you provide any verbal statement to the officer preparing the incident report?

139. Did you provide a written statement for the report?

Draw diagram

Please draw a diagram of the scene. Draw the vehicles, your position, distance and other officers' position. Please label the officers with their star number.

INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000833

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Stephen Cassinelli #1104___, who is a named officer in this matter.
4. Representing Officer __Cassinelli____ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Cassinelli_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer _____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

   - You have the right to remain silent.
   - Anything you say may be used against you in court.
   - You have the right to an attorney before and after questioning.

   Do you understand each of these rights that I have explained to you?
   With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

   - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

   - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

   - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

   - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer _____, will you answer my questions as ordered at this time?

   a. (If yes, proceed with questions.)
   b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000835

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted] and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
   a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
   b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
   a. How long were you assigned to that station?
   b. What was your assigned sector?
8. Where are you currently stationed?
   a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with [redacted] prior to this incident?
11. Have you had any previous involvement with [redacted] prior to this incident?
12. Have you had any previous involvement with Jesus Delgado-Duarte prior to this incident?
13. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?

c. What time did you arrive to work?

14. Did you make lineup?
15. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
16. Do you wear glasses? If yes, nearsighted or farsighted
17. Do you wear prescription contact lenses?
    a. Were you wearing them that night?
18. Describe the uniform you were wearing that day.
19. What equipment did you have on your person?
    a. What was your primary weapon?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
    f. What less lethal options did you have on your person?
20. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
21. Who was your supervisor?
    a. Who did you provide a statement to regarding the incident?

Training and Experience:

22. What type of training had you received regarding felony traffic stops?
23. What type of training had you received regarding barricaded suspects?
24. What type of training had you received regarding suspects in trunks?
25. What type of training had you received regarding armed suspects?
26. What type of training had you received regarding law enforcement tactics?
27. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?
28. Per DGO 5.02, Use of Firearms, what is your understanding of the authorized circumstances that an officer may handle and draw firearms?

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29. What are the permissible circumstances an officer may discharge a firearm?

30. At the Academy, were you trained to fire your weapon in controlled pairs and access? If no, how were you trained?

CIT Training

31. Had you received CIT training? If no, have you?

32. Had you received Advanced Officer Training? If no, have you?

33. Had you received De-escalation training? If no, have you?

34. Had you received training on crisis negotiation? If no, have you?

Arrival at Scene

35. What were you doing prior to your response to the area of 20th and Capp St?

36. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?

37. What information did you receive prior to the responding to the call?

38. Did you discuss any tactics/plan with other officers prior to making contact with Mr. Duarte?

39. Prior to exiting your vehicle, did you run any information on the vehicle or parties involved?

    a. If so, what did you run? What did you learn from the runs?

Exhibit 1 and 2

Circle your vehicle, initial your position, distance and other officers' position. Please label the exhibits with initials, star number, and date.

40. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte

    a. Were you one of the first officers to arrive on scene?

    b. Who was there when you arrived?

    c. Who was the highest ranking officer on scene at the time?

    d. Were you concerned about cover? Or lack of cover?

    e. Who was providing lethal cover?

    f. What was your role?

    g. At what point did you draw your handgun?

41. Where was Mr. Duarte when you arrived on the scene?

    h. What was he doing?

    i. Describe his body positioning in the trunk.

    j. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting

    k. How was your visibility?

    l. Did anything obstruct your view of Mr. Duarte?

m. What could you see? color, make, and model?

n. Describe his attitude and demeanor

o. Did he speak? If so, what did he say?

p. Approximate how far away you were from Mr. Duarte.

42. Describe the environment where the incident happened? (construction? heavy traffic?)

43. How many units were on scene?

44. Had you been in that type of situation before? If so, when? What incident?

45. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

46. What were your primary concerns at this point?

Tactics

47. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

q. If so, what were they?

r. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

s. Were you given instructions? If so, what were they?

48. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

t. Did you give any verbal commands to Mr. Duarte? What were they?

u. Did you use tactical communication?

49. Where were you positioned when you gave Mr. Duarte verbal commands?

50. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did Officer Carroll inform you that she was in the backseat? If so, did you relay the information to anyone?

e. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

51. Are you familiar with DGO 8.02, Hostage and Barricaded Subjects?

a. Was this incident a barricaded suspect incident? If so, why?

b. Did normal police procedures fail to bring about an arrest of Mr. Duarte?

c. Was there an attempt to use a hostage negotiator? If no, why not?

d. Who would have made that decision?

e. Did you receive any instructions from a supervisor?

f. Who was the senior officer at the scene, when stopped issuing commands?

g. Did you request a field supervisor? If no, did another officer request a field supervisor?

52. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?

    a. Who was next to you?

    b. Did you change position? If so, how many times? Where?

    c. Was your firearm drawn? If so, was it pointed? Where was it pointed?

    d. Did you have cover?

    e. Were you telling Officer Banegas what to translate to Mr. Duarte? If no, then whom?

53. Where was Officer Carroll in relation to where you were positioned when verbal commands were given to Mr. Duarte?

54. Where was Officer Gustilo in relation to where you were positioned when verbal commands were given to Mr. Duarte?

55. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?

56. Where was Officer Ishida in relation to where you were positioned when verbal commands were given to Mr. Duarte?

57. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?

58. Where was Officer Nagai in relation to where you were positioned when verbal commands were given to Mr. Duarte?

59. Where was Officer O'Rourke in relation to where you were positioned when verbal commands were given to Mr. Duarte?

60. Where was Officer Smets in relation to where you were positioned when verbal commands were given to Mr. Duarte?

61. Where was Officer Smith-Russack in relation to where you were positioned when verbal commands were given to Mr. Duarte?

62. Where was Officer Tupper in relation to where you were positioned when verbal commands were given to Mr. Duarte?

63. Where was Officer Santana in relation to where you were positioned when verbal commands were given to Mr. Duarte?

64. Who determined that a ERIW should be used?

65. Did you retrieve your ERIW from your vehicle? If no, why not?
66. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
67. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
68. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
69. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
70. How did Mr. Duarte respond after being shot with the ERIW?
    a. Did he communicate verbally after being shot with the ERIW?
    b. Did Mr. Duarte change positions after being shot with the ERIW?
    c. After being shot by the ERIW, what did Mr. Duarte do?
71. Who was closer to Mr. Duarte at this point?
72. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
73. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
74. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
75. Please describe what you saw when verbal commands were given to Mr. Duarte?
76. Did Mr. Duarte have anything in his hand? IF so, please describe?
77. Was Mr. Duarte moving? If so, please describe his movements?
78. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

79. What did you see before firing your weapon?
80. What did you hear before firing your weapon?
81. Describe your breathing before you fired your weapon. Normal, controlled, quick
82. Describe your breathing while firing your weapon
83. What was your shooting position? Standing, kneeling, prone
84. Did you move while firing your weapon?
85. Do you know how many rounds you fired?
86. What was your sequence of fire? (fast, pairs, bursts, etc)
87. Describe your trigger control.
88. Describe your breathing when you stopped firing your weapon and accessed the situation
89. Did you use a spare weapon?
90. Who fired their handgun first?
91. Who fired their handgun?

a. Did you see them fire their handgun?

b. Was your view ever impeded?

92. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

93. What did you see and perceive prior to firing your weapon?

94. Was your view ever impeded when you opened fire?

95. When did you stop firing your weapon?

a. Were you ordered to stop firing?

96. What were you aiming at?

97. How close were you to Mr. Duarte when you opened fire?

98. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

99. Were there any pedestrians nearby when gunshots were fired?

d. If yes, were they in the line of sight of any of the officers?

100. How close were you to Mr. Duarte when officers fired their handguns?

101. How close was Officer Carroll to Mr. Duarte when Officer Cassinelli fired his handgun?

102. How close was Officer Gustilo to Mr. Duarte when Officer Carroll fired his handgun?

103. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?

104. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?

105. How close were you to Mr. Duarte when you fired his handgun?

106. How close was Officer Nagai to Mr. Duarte when fired his handgun?

107. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?

108. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?

109. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?

110. How close was Officer Tupper to Mr. Duarte when Officer Tupper fired his handgun?

111. Where was Officer Carroll in relation to where you were when he fired his handgun?

112. Where was Officer Gustilo in relation to where you were when he fired his handgun?

113. Where was Officer Chiu in relation to where you were when he fired his handgun?

114. Where was Officer Ishida in relation to where you were when he fired his handgun?

115. Where was Officer Nagai in relation to where you were when he fired his handgun?

116. Where was Officer O'Rourke in relation to where you were when he fired his handgun?

117. Where was Officer Smets in relation to where you were when he fired his handgun?

118. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?

119. Where was Officer Tupper in relation to where you were when he fired his handgun?

After the shooting

120. What did you do after you stopped firing?

121. After the gunshots stopped, what did you do?

122. Did you know where the gunshots were coming from?

123. How long was the incident?

124. Describe Mr. Duarte's body positioning after the shooting.

125. Was a 408 requested? Who requested it?

126. Did you speak to anyone at the scene after the shooting?

    a. If so, who?

    b. What did you say?

127. What happened to you once your supervisor arrived at the scene?

128. What did you do?

129. Did you provide a public safety statement?

    a. To whom?

130. What happened to your weapon?

131. Were you given a replacement?

132. Where did you go after you left the scene? With whom?

133. Were you separated and monitored after the incident?

134. Were you still in possession of your BWC?

    a. If so, did anyone retrieve the camera from you?

    b. If so, who?

135. Were you injured as a result of this incident?

136. Were you provided medical treatment? Where?

137. What treatment were you given?

138. What was your diagnosis?

139. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)

    a. If so, describe.

    b. What happened after you were released from the hospital?

    c. Where did you go? With whom?

140. What time did you go home?

141. When did you first provide a statement regarding this incident?
    a. To whom did you provide a statement?
    b. Did you have access to your BWC footage at the time?
142. Who else did you speak to about the incident?
143. Did you speak to your POA rep after the incident? When?
144. Did you provide any verbal statement to the officer preparing the incident report?
145. Did you provide a written statement for the report?

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INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000845

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Loren Chiu #1306__, who is a named officer in this matter.
4. Representing Officer __Chiu__ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Chiu_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer __Chiu_____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

    - You have the right to remain silent.
    - Anything you say may be used against you in court.
    - You have the right to an attorney before and after questioning.

    Do you understand each of these rights that I have explained to you?
    With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

    - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

    - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

    - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

    - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer __Chiu__, will you answer my questions as ordered at this time?

    a. (If yes, proceed with questions.)
    b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000847

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte is the decendent; Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle; and [redacted] was in the backseat of the Civic.
Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
    a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
    b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
    a. How long were you assigned to that station?
    b. What was your assigned sector?
8. Where are you currently stationed?
    a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with any of the 3 parties prior to this incident?
11. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?
    c. What time did you arrive to work?
12. Did you make lineup?

13. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
14. Do you wear glasses? If yes, nearsighted or farsighted
15. Do you wear prescription contact lenses?
    a. Were you wearing them that night?
16. Describe the uniform you were wearing that day.
17. What equipment did you have on your person?
    a. What was your primary firearm?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
18. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
19. Who was your supervisor?

Training and Experience:

20. What type of training had you received regarding felony traffic stops?
21. What type of training had you received regarding barricaded suspects?
22. What type of training had you received regarding suspects in trunks?
23. What type of training had you received regarding armed suspects?
24. What type of training had you received regarding tactical considerations in patrol techniques?
25. What type of training had you received regarding tactical considerations in crimes involving several subjects that require multiple cover contact and cover officers?
26. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?
27. At the range, what firearms are you certified to use?
    a. Handgun.
        i. How are you trained regarding the sequence of fire?
        ii. Describe that process.

b. Shotgun.

c. Rifle.

CIT Training

28. Had you received CIT training? If no, have you?
29. Had you received Advanced Officer Training? If no, have you?
30. Had you received De-escalation training? If no, have you?
31. Had you received training on crisis negotiation? If no, have you?

Exhibit 1 and 2

Circle your vehicle, your position, distance and other officers' position. Please label exhibit with name star number and date.

Arrival at Scene

32. What were you doing prior to your response to the area of 20th and Capp St?
33. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
34. What information did you receive prior to the responding to the call?
35. Did you discuss any tactics/plan with other officers when you got to the scene? If so, whom?
36. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. Were you assigned that role? If so, whom?
    h. Why did you decide to take on that role?
    i. At what point did you draw your handgun?
37. Where was [redacted] when you arrived on the scene? What was he doing?
38. Where was Mr. Duarte
    j. What was he doing?
    k. Describe his body positioning in the trunk.
    l. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    m. How was your visibility?
    n. Did anything obstruct your view of Mr. Duarte?

o. What could you see? color, make, and model?

p. Describe his attitude and demeanor

q. Did he speak? If so, what did he say?

r. Approximate how far away you were from Mr. Duarte.

39. Describe the environment where the incident happened? (construction? heavy traffic?)

40. How many units were on scene?

41. Had you been in that type of situation before? If so, when? What incident?

42. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

43. What were your primary concerns at this point?

Tactics

44. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

s. If so, what were they?

t. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

u. Were you given instructions? If so, what were they?

45. Did you discuss tactics/plan with other officers when Mr. Duarte was given commands in Spanish and refused to exit the trunk?

46. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

v. Did you give any verbal commands to Mr. Duarte? What were they?

47. Where were you positioned when you gave Mr. Duarte verbal commands?

48. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did you inform any other officers that she was in the backseat?

49. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

50. When you were providing cover, how close were you to the suspect vehicle?

a. Who was the next to you?

51. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
52. Who was next to you?
53. Did you change position? If so, how many times? Where?
54. Was your firearm drawn? If so, was it pointed? Where was it pointed?

ERIW

55. Did you retrieve your ERIW from your vehicle? If no, why not?
56. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
57. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
58. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
59. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
60. How did Mr. Duarte respond after being shot with the ERIW?
    b. Did he communicate verbally after being shot with the ERIW?
    c. Did Mr. Duarte change positions after being shot with the ERIW?
    d. After being shot by the ERIW, what did Mr. Duarte do?
61. Who was closer to Mr. Duarte at this point?
62. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
63. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
64. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
65. Please describe what you saw when verbal commands were given to Mr. Duarte?
66. Did Mr. Duarte have anything in his hand? IF so, please describe?
67. Was Mr. Duarte moving? If so, please describe his movements?
68. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

69. What did you see and perceive prior to firing your weapon?
70. Was your handgun in double-action mode? What is double-action mode?

    Double-action mode is a method of shooting where pulling the trigger begins a complete cycle of operation to fire the firearm. Single-action mode is a method of shooting where the hammer is cocked back before the firearm can be fired.

71. Was your firearm in the cocked position?
72. Who fired their handgun?
    a. Did you see them fire their handgun?

b. Was your view ever impeded?

73. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

74. Was your view ever impeded when you opened fire?

75. When did you stop firing your weapon?

a. Were you ordered to stop firing?

76. What were you aiming at?

77. Did you move while firing your weapon?

78. Do you know how many rounds you fired?

a. How many magazines did you use?

79. How close were you to Mr. Duarte when you opened fire?

80. What was your sequence of fire? (fast, pairs, bursts, etc)

81. Did you use a spare weapon?

82. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

83. Were there any pedestrians nearby when gunshots were fired?

e. If yes, were they in the line of sight of any of the officers?

84. How close were you to Mr. Duarte when officers fired their handguns?

85. Who was next to you?

After the shooting

86. What did you do after you stopped firing?

87. After the gunshots stopped, what did you do?

88. Did you know where the gunshots were coming from?

89. How long was the incident?

90. Describe Mr. Duarte's body positioning after the shooting.

91. Was a 408 requested? Who requested it?

92. Did you speak to anyone at the scene after the shooting?

a. If so, who?

b. What did you say?

93. What happened to you once your supervisor arrived at the scene?

94. What did you do?

95. Were you transported to the station? By whom? Who was in the vehicle?

96. Did you provide a public safety statement? When? Where? To whom?

97. Where did you go after you left the scene? With whom?
98. What happened to your weapon? Was it confiscated? When?
99. What happened to your magazines? Was it confiscated? Was it left at the scene?
100. Do you now how many bullets you fired? If so, when and how did you find out?
101. Were you given a replacement?
102. Were you separated and monitored after the incident?
103. Were you still in possession of your BWC?
    a. If so, did anyone retrieve the camera from you?
    b. If so, who?
104. Were you injured as a result of this incident?
105. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)
    a. If so, describe.
    b. What happened after you were released from the hospital?
    c. Where did you go? With whom?
106. What time did you go home?
107. When did you first provide a statement regarding this incident?
    a. To whom did you provide a statement?
108. Did you view your BWC footage? If so, when?
109. Who else did you speak to about the incident?
110. Did you speak to your POA rep after the incident? When?
111. Did you speak to an attorney? When?
112. Did you prepare a brief written statement about the incident? If so, when?
    a. Were you told what information was to be provided in that brief statement?
    b. If so what elements did you have to cover in the statement?

INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000855

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Juan Gustilo #1469_____, who is a named officer in this matter.
4. Representing Officer __Gustilo_____ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Gustilo_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer _____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

   - You have the right to remain silent.
   - Anything you say may be used against you in court.
   - You have the right to an attorney before and after questioning.

   Do you understand each of these rights that I have explained to you?
   With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

   - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

   - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

   - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

   - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer _____, will you answer my questions as ordered at this time?

   a. (If yes, proceed with questions.)
   b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000857

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
   a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
   b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
   a. How long were you assigned to that station?
   b. What was your assigned sector?
8. Where are you currently stationed?
   a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with [redacted] prior to this incident?
11. Have you had any previous involvement with [redacted] prior to this incident?
12. Have you had any previous involvement with Jesus Delgado-Duarte prior to this incident?
13. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?

c. What time did you arrive to work?

14. Did you make lineup?
15. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
16. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?
17. Describe the uniform you were wearing that day.
18. What equipment did you have on your person?
    a. What was your primary weapon?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
    f. What less lethal options did you have on your person?
19. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
20. Who was your supervisor?
    a. Who did you provide a statement to regarding the incident?

Training and Experience:

21. What type of training had you received regarding felony traffic stops?
22. What type of training had you received regarding barricaded suspects?
23. What type of training had you received regarding suspects in trunks?
24. What type of training had you received regarding armed suspects?
25. What type of training had you received regarding law enforcement tactics?
26. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?

CIT Training

27. Had you received CIT training? If no, have you?

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28. Had you received Advanced Officer Training? If no, have you?
29. Had you received De-escalation training? If no, have you?
30. Had you received training on crisis negotiation? If no, have you?

Arrival at Scene

31. What were you doing prior to your response to the area of 20th and Capp St?
32. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
33. What information did you receive prior to the responding to the call?
34. Did you discuss any tactics/plan with other officers prior to making contact with Mr. Duarte?
35. Prior to exiting your vehicle, did you run any information on the vehicle or parties involved?
    a. If so, what did you run? What did you learn from the runs?
36. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. At what point did you draw your handgun?
37. Where was Mr. Duarte when you arrived on the scene?
    h. What was he doing?
    i. Describe his body positioning in the trunk.
    j. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    k. How was your visibility?
    l. Did anything obstruct your view of Mr. Duarte?
    m. What could you see? color, make, and model?
    n. Describe his attitude and demeanor
    o. Did he speak? If so, what did he say?
    p. Approximate how far away you were from Mr. Duarte.
38. Describe the environment where the incident happened? (construction? heavy traffic?)
39. How many units were on scene?
40. Had you been in that type of situation before? If so, when? What incident?
41. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

42. What were your primary concerns at this point?

Tactics

43. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

q. If so, what were they?

r. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

s. Were you given instructions? If so, what were they?

44. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

t. Did you give any verbal commands to Mr. Duarte? What were they?

45. Where were you positioned when you gave Mr. Duarte verbal commands?

46. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did you inform any other officers that she was in the backseat?

47. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

48. When you were providing cover, how close were you to the suspect vehicle?

a. How close were to Officer Stephen Cassinelli #1104?

b. How close were to Officer Corbyn Carroll #987?

c. How close were to Officer John Ishida #2035?

d. How close were to Officer Loren Chiu?

e. How close were to Officer Nicholas Nagai #2017?

f. How close were to Officer Sean O'Rourke #2214?

g. How close were to Officer Colby Smets #253?

h. How close were to Officer Ari Smith-Russack?

i. How close were to Officer Joshua Tupper #4115?

j. How close were to Officer Bryan Santana #2097?

49. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
50. Who was next to you?
51. Did you change position? If so, how many times? Where?
52. Was your firearm drawn? If so, was it pointed? Where was it pointed?
53. Where was Officer Cassinelli in relation to where you were positioned when verbal commands were given to Mr. Duarte?
54. Where was Officer Carroll in relation to where you were positioned when verbal commands were given to Mr. Duarte?
55. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?
56. Where was Officer Ishida in relation to where you were positioned when verbal commands were given to Mr. Duarte?
57. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?
58. Where was Officer Nagai in relation to where you were positioned when verbal commands were given to Mr. Duarte?
59. Where was Officer O'Rourke in relation to where you were positioned when verbal commands were given to Mr. Duarte?
60. Where was Officer Smets in relation to where you were positioned when verbal commands were given to Mr. Duarte?
61. Where was Officer Smith-Russack in relation to where you were positioned when verbal commands were given to Mr. Duarte?
62. Where was Officer Tupper in relation to where you were positioned when verbal commands were given to Mr. Duarte?
63. Where was Officer Santana in relation to where you were positioned when verbal commands were given to Mr. Duarte?
64. Did you retrieve your ERIW from your vehicle? If no, why not?
65. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
66. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
67. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
68. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
69. How did Mr. Duarte respond after being shot with the ERIW?
    k. Did he communicate verbally after being shot with the ERIW?
    l. Did Mr. Duarte change positions after being shot with the ERIW?
    m. After being shot by the ERIW, what did Mr. Duarte do?

70. Who was closer to Mr. Duarte at this point?
71. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
72. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
73. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
74. Please describe what you saw when verbal commands were given to Mr. Duarte?
75. Did Mr. Duarte have anything in his hand? IF so, please describe?
76. Was Mr. Duarte moving? If so, please describe his movements?
77. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

78. Who fired their handgun first?
79. Who fired their handgun?
    a. Did you see them fire their handgun?
    b. Was your view ever impeded?
80. Did you hear gun fire prior to seeing gun fire?
    a. What did you do when you heard the gun fire?
81. What did you see and perceive prior to firing your weapon?
82. Was your view ever impeded when you opened fire?
83. When did you stop firing your weapon?
    a. Were you ordered to stop firing?
84. What were you aiming at?
85. Did you move while firing your weapon?
86. Do you know how many rounds you fired?
87. How close were you to Mr. Duarte when you opened fire?
88. What was your sequence of fire? (fast, pairs, bursts, etc)
89. Did you use a spare weapon?
90. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?
91. Were there any pedestrians nearby when gunshots were fired?
    n. If yes, were they in the line of sight of any of the officers?
92. How close were you to Mr. Duarte when officers fired their handguns?
93. How close was Officer Cassinelli to Mr. Duarte when Officer Cassinelli fired his handgun?
94. How close was Officer Carroll to Mr. Duarte when Officer Carroll fired his handgun?
95. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?

96. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?

97. How close were you to Mr. Duarte when you fired his handgun?

98. How close was Officer Nagai to Mr. Duarte when fired his handgun?

99. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?

100. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?

101. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?

102. How close was Officer Tupper to Mr. Duarte when Officer Tupper fired his handgun?

103. Where was Officer Cassinelli in relation to where you were when he fired his handgun?

104. Where was Officer Carroll in relation to where you were when he fired his handgun?

105. Where was Officer Chiu in relation to where you were when he fired his handgun?

106. Where was Officer Ishida in relation to where you were when he fired his handgun?

107. Where was Officer Nagai in relation to where you were when he fired his handgun?

108. Where was Officer O'Rourke in relation to where you were when he fired his handgun?

109. Where was Officer Smets in relation to where you were when he fired his handgun?

110. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?

111. Where was Officer Tupper in relation to where you were when he fired his handgun?

After the shooting

112. What did you do after you stopped firing?

113. After the gunshots stopped, what did you do?

114. Did you know where the gunshots were coming from?

115. How long was the incident?

116. Describe Mr. Duarte's body positioning after the shooting.

117. Was a 408 requested? Who requested it?

118. Did you speak to anyone at the scene after the shooting?

    a. If so, who?

    b. What did you say?

119. What happened to you once your supervisor arrived at the scene?

120. What did you do?

121. Did you provide a public safety statement?

    a. To whom?

122. What happened to your weapon?

123. Were you given a replacement?

124. Where did you go after you left the scene? With whom?

125. Were you separated and monitored after the incident?

126. Were you still in possession of your BWC?

    a. If so, did anyone retrieve the camera from you?

    b. If so, who?

127. Were you injured as a result of this incident?

128. Were you provided medical treatment? Where?

129. What treatment were you given?

130. What was your diagnosis?

131. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)

    a. If so, describe.

    b. What happened after you were released from the hospital?

    c. Where did you go? With whom?

132. What time did you go home?

133. When did you first provide a statement regarding this incident?

    a. To whom did you provide a statement?

134. Did you have access to your BWC footage at the time?

135. Who else did you speak to about the incident?

136. Did you speak to your POA rep after the incident? When?

137. At what point did you prepare a brief written statement about the incident? If no, why not?

    a. Were you told what information was to be provided in that brief statement?

    b. If so what elements did you have to cover in the statement?

138. Did you provide any verbal statement to the officer preparing the incident report?

139. Did you provide a written statement for the report?

Draw diagram

Please draw a diagram of the scene. Draw the vehicles, your position, distance and other officers' position. Please label the officers with their star number.

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INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000866

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _John Ishida #2035__, who is a named officer in this matter.
4. Representing Officer __Ishida__ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Ishida_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

SFDPA - 0097-18 - 000867

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer __Ishida_____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

    - You have the right to remain silent.
    - Anything you say may be used against you in court.
    - You have the right to an attorney before and after questioning.

    Do you understand each of these rights that I have explained to you?
    With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

    - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

    - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

    - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

    - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer __Ishida__, will you answer my questions as ordered at this time?

    a. (If yes, proceed with questions.)
    b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000868

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte is the decendent; Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle; and [redacted] was in the backseat of the Civic.
Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
    a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
    b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
    a. How long were you assigned to that station?
    b. What was your assigned sector?
8. Where are you currently stationed?
    a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with any of the 3 parties prior to this incident?
11. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?
    c. What time did you arrive to work?
12. Did you make lineup?

13. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
14. Do you wear glasses? If yes, nearsighted or farsighted
15. Do you wear prescription contact lenses?
    a. Were you wearing them that night?
16. Describe the uniform you were wearing that day.
17. What equipment did you have on your person?
    a. What was your primary firearm?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
18. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
19. Who was your supervisor?

Training and Experience:

20. What type of training had you received regarding felony traffic stops?
21. What type of training had you received regarding barricaded suspects?
22. What type of training had you received regarding suspects in trunks?
23. What type of training had you received regarding armed suspects?
24. What type of training had you received regarding tactical considerations in patrol techniques?
25. What type of training had you received regarding tactical considerations in crimes involving several subjects that require multiple cover contact and cover officers?
26. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?
27. At the range, what firearms are you certified to use?
    a. Handgun.
        i. How are you trained regarding the sequence of fire?
        ii. Describe that process.

b. Shotgun.

c. Rifle.

CIT Training

28. Had you received CIT training? If no, have you?
29. Had you received Advanced Officer Training? If no, have you?
30. Had you received De-escalation training? If no, have you?
31. Had you received training on crisis negotiation? If no, have you?

Exhibit 1 and 2

Circle your vehicle, your position, distance and other officers' position. Please label exhibit with name star number and date.

Arrival at Scene

32. What were you doing prior to your response to the area of 20th and Capp St?
33. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
34. What information did you receive prior to the responding to the call?
35. Did you discuss any tactics/plan with other officers when you got to the scene? If so, whom?
36. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. Were you assigned that role? If so, whom?
    h. Why did you decide to take on that role?
    i. At what point did you draw your handgun?
37. Where was [redacted] when you arrived on the scene? What was he doing?
38. Where was Mr. Duarte
    j. What was he doing?
    k. Describe his body positioning in the trunk.
    l. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    m. How was your visibility?
    n. Did anything obstruct your view of Mr. Duarte?

o. What could you see? color, make, and model?

p. Describe his attitude and demeanor

q. Did he speak? If so, what did he say?

r. Approximate how far away you were from Mr. Duarte.

39. Describe the environment where the incident happened? (construction? heavy traffic?)

40. How many units were on scene?

41. Had you been in that type of situation before? If so, when? What incident?

42. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

43. What were your primary concerns at this point?

Tactics

44. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

s. If so, what were they?

t. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

u. Were you given instructions? If so, what were they?

45. Did you discuss tactics/plan with other officers when Mr. Duarte was given commands in Spanish and refused to exit the trunk?

46. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

v. Did you give any verbal commands to Mr. Duarte? What were they?

47. Where were you positioned when you gave Mr. Duarte verbal commands?

48. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did you inform any other officers that she was in the backseat?

49. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

50. When you were providing cover, how close were you to the suspect vehicle?

a. Who was the next to you?

51. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
52. Who was next to you?
53. Did you change position? If so, how many times? Where?
54. Was your firearm drawn? If so, was it pointed? Where was it pointed?

ERIW

55. Did you retrieve your ERIW from your vehicle? If no, why not?
56. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
57. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
58. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
59. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
60. How did Mr. Duarte respond after being shot with the ERIW?
    b. Did he communicate verbally after being shot with the ERIW?
    c. Did Mr. Duarte change positions after being shot with the ERIW?
    d. After being shot by the ERIW, what did Mr. Duarte do?
61. Who was closer to Mr. Duarte at this point?
62. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
63. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
64. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
65. Please describe what you saw when verbal commands were given to Mr. Duarte?
66. Did Mr. Duarte have anything in his hand? IF so, please describe?
67. Was Mr. Duarte moving? If so, please describe his movements?
68. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

69. What did you see and perceive prior to firing your weapon?
70. Was your handgun in double-action mode? What is double-action mode?

    Double-action mode is a method of shooting where pulling the trigger begins a complete cycle of operation to fire the firearm. Single-action mode is a method of shooting where the hammer is cocked back before the firearm can be fired.

71. Was your firearm in the cocked position?
72. Who fired their handgun?
    a. Did you see them fire their handgun?

b. Was your view ever impeded?

73. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

74. Was your view ever impeded when you opened fire?

75. When did you stop firing your weapon?

a. Were you ordered to stop firing?

76. What were you aiming at?

77. Did you move while firing your weapon?

78. Do you know how many rounds you fired?

a. How many magazines did you use?

79. How close were you to Mr. Duarte when you opened fire?

80. What was your sequence of fire? (fast, pairs, bursts, etc)

81. Did you use a spare weapon?

82. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

83. Were there any pedestrians nearby when gunshots were fired?

e. If yes, were they in the line of sight of any of the officers?

84. How close were you to Mr. Duarte when officers fired their handguns?

85. Who was next to you?

After the shooting

86. What did you do after you stopped firing?

87. After the gunshots stopped, what did you do?

88. Did you know where the gunshots were coming from?

89. How long was the incident?

90. Describe Mr. Duarte's body positioning after the shooting.

91. Was a 408 requested? Who requested it?

92. Did you speak to anyone at the scene after the shooting?

a. If so, who?

b. What did you say?

93. What happened to you once your supervisor arrived at the scene?

94. What did you do?

95. Were you transported to the station? By whom? Who was in the vehicle?

96. Did you provide a public safety statement? When? Where? To whom?

97. Where did you go after you left the scene? With whom?
98. What happened to your weapon? Was it confiscated? When?
99. What happened to your magazines? Was it confiscated? Was it left at the scene?
100. Do you now how many bullets you fired? If so, when and how did you find out?
101. Were you given a replacement?
102. Were you separated and monitored after the incident?
103. Were you still in possession of your BWC?
    a. If so, did anyone retrieve the camera from you?
    b. If so, who?
104. Were you injured as a result of this incident?
105. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)
    a. If so, describe.
    b. What happened after you were released from the hospital?
    c. Where did you go? With whom?
106. What time did you go home?
107. When did you first provide a statement regarding this incident?
    a. To whom did you provide a statement?
108. Did you view your BWC footage? If so, when?
109. Who else did you speak to about the incident?
110. Did you speak to your POA rep after the incident? When?
111. Did you speak to an attorney? When?
112. Did you prepare a brief written statement about the incident? If so, when?
    a. Were you told what information was to be provided in that brief statement?
    b. If so what elements did you have to cover in the statement?

INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000876

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Nicholas Nagai #2017_____, who is a named officer in this matter.
4. Representing Officer __Nagai___ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Nagai_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

SFDPA - 0097-18 - 000877

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer __Nagai_____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

    - You have the right to remain silent.
    - Anything you say may be used against you in court.
    - You have the right to an attorney before and after questioning.

    Do you understand each of these rights that I have explained to you?
    With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

    - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

    - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

    - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

    - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer __Nagai__, will you answer my questions as ordered at this time?

    a. (If yes, proceed with questions.)
    b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000878

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte is the decendent; Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle; and [redacted] was in the backseat of the Civic.
Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
    a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
    b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
    a. How long were you assigned to that station?
    b. What was your assigned sector?
8. Where are you currently stationed?
    a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with any of the 3 parties prior to this incident?
11. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?
    c. What time did you arrive to work?
12. Did you make lineup?

13. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
14. Do you wear glasses? If yes, nearsighted or farsighted
15. Do you wear prescription contact lenses?
    a. Were you wearing them that night?
16. Describe the uniform you were wearing that day.
17. What equipment did you have on your person?
    a. What was your primary firearm?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
18. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
19. Who was your supervisor?

Training and Experience:

20. What type of training had you received regarding felony traffic stops?
21. What type of training had you received regarding barricaded suspects?
22. What type of training had you received regarding suspects in trunks?
23. What type of training had you received regarding armed suspects?
24. What type of training had you received regarding tactical considerations in patrol techniques?
25. What type of training had you received regarding tactical considerations in crimes involving several subjects that require multiple cover contact and cover officers?
26. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?
27. At the range, what firearms are you certified to use?
    a. Handgun.
        i. How are you trained regarding the sequence of fire?
        ii. Describe that process.

b. Shotgun.

c. Rifle.

CIT Training

28. Had you received CIT training? If no, have you?
29. Had you received Advanced Officer Training? If no, have you?
30. Had you received De-escalation training? If no, have you?
31. Had you received training on crisis negotiation? If no, have you?

Exhibit 1 and 2

Circle your vehicle, your position, distance and other officers' position. Please label exhibit with name star number and date.

Arrival at Scene

32. What were you doing prior to your response to the area of 20th and Capp St?
33. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
34. What information did you receive prior to the responding to the call?
35. Did you discuss any tactics/plan with other officers when you got to the scene? If so, whom?
36. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. Were you assigned that role? If so, whom?
    h. Why did you decide to take on that role?
    i. At what point did you draw your handgun?
37. Where was [redacted] when you arrived on the scene? What was he doing?
38. Where was Mr. Duarte
    j. What was he doing?
    k. Describe his body positioning in the trunk.
    l. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    m. How was your visibility?
    n. Did anything obstruct your view of Mr. Duarte?

o. What could you see? color, make, and model?

p. Describe his attitude and demeanor

q. Did he speak? If so, what did he say?

r. Approximate how far away you were from Mr. Duarte.

39. Describe the environment where the incident happened? (construction? heavy traffic?)

40. How many units were on scene?

41. Had you been in that type of situation before? If so, when? What incident?

42. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

43. What were your primary concerns at this point?

Tactics

44. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

s. If so, what were they?

t. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

u. Were you given instructions? If so, what were they?

45. Did you discuss tactics/plan with other officers when Mr. Duarte was given commands in Spanish and refused to exit the trunk?

46. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

v. Did you give any verbal commands to Mr. Duarte? What were they?

47. Where were you positioned when you gave Mr. Duarte verbal commands?

48. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did you inform any other officers that she was in the backseat?

49. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

50. When you were providing cover, how close were you to the suspect vehicle?

a. Who was the next to you?

51. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
52. Who was next to you?
53. Did you change position? If so, how many times? Where?
54. Was your firearm drawn? If so, was it pointed? Where was it pointed?

ERIW

55. Did you retrieve your ERIW from your vehicle? If no, why not?
56. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
57. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
58. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
59. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
60. How did Mr. Duarte respond after being shot with the ERIW?
    b. Did he communicate verbally after being shot with the ERIW?
    c. Did Mr. Duarte change positions after being shot with the ERIW?
    d. After being shot by the ERIW, what did Mr. Duarte do?
61. Who was closer to Mr. Duarte at this point?
62. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
63. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
64. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
65. Please describe what you saw when verbal commands were given to Mr. Duarte?
66. Did Mr. Duarte have anything in his hand? IF so, please describe?
67. Was Mr. Duarte moving? If so, please describe his movements?
68. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

69. What did you see and perceive prior to firing your weapon?
70. Was your handgun in double-action mode? What is double-action mode?

    Double-action mode is a method of shooting where pulling the trigger begins a complete cycle of operation to fire the firearm. Single-action mode is a method of shooting where the hammer is cocked back before the firearm can be fired.

71. Was your firearm in the cocked position?
72. Who fired their handgun?
    a. Did you see them fire their handgun?

b. Was your view ever impeded?

73. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

74. Was your view ever impeded when you opened fire?

75. When did you stop firing your weapon?

a. Were you ordered to stop firing?

76. What were you aiming at?

77. Did you move while firing your weapon?

78. Do you know how many rounds you fired?

a. How many magazines did you use?

79. How close were you to Mr. Duarte when you opened fire?

80. What was your sequence of fire? (fast, pairs, bursts, etc)

81. Did you use a spare weapon?

82. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

83. Were there any pedestrians nearby when gunshots were fired?

e. If yes, were they in the line of sight of any of the officers?

84. How close were you to Mr. Duarte when officers fired their handguns?

85. Who was next to you?

After the shooting

86. What did you do after you stopped firing?

87. After the gunshots stopped, what did you do?

88. Did you know where the gunshots were coming from?

89. How long was the incident?

90. Describe Mr. Duarte's body positioning after the shooting.

91. Was a 408 requested? Who requested it?

92. Did you speak to anyone at the scene after the shooting?

a. If so, who?

b. What did you say?

93. What happened to you once your supervisor arrived at the scene?

94. What did you do?

95. Were you transported to the station? By whom? Who was in the vehicle?

96. Did you provide a public safety statement? When? Where? To whom?

97. Where did you go after you left the scene? With whom?
98. What happened to your weapon? Was it confiscated? When?
99. What happened to your magazines? Was it confiscated? Was it left at the scene?
100. Do you now how many bullets you fired? If so, when and how did you find out?
101. Were you given a replacement?
102. Were you separated and monitored after the incident?
103. Were you still in possession of your BWC?
    a. If so, did anyone retrieve the camera from you?
    b. If so, who?
104. Were you injured as a result of this incident?
105. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)
    a. If so, describe.
    b. What happened after you were released from the hospital?
    c. Where did you go? With whom?
106. What time did you go home?
107. When did you first provide a statement regarding this incident?
    a. To whom did you provide a statement?
108. Did you view your BWC footage? If so, when?
109. Who else did you speak to about the incident?
110. Did you speak to your POA rep after the incident? When?
111. Did you speak to an attorney? When?
112. Did you prepare a brief written statement about the incident? If so, when?
    a. Were you told what information was to be provided in that brief statement?
    b. If so what elements did you have to cover in the statement?

INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000886

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Sean O'Rourke #2214_____, who is a named officer in this matter.
4. Representing Officer __O'Rourke___ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _O'Rourke_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer __O'Rourke_____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

    - You have the right to remain silent.
    - Anything you say may be used against you in court.
    - You have the right to an attorney before and after questioning.

    Do you understand each of these rights that I have explained to you?
    With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

    - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

    - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

    - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

    - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer __O'Rourke__, will you answer my questions as ordered at this time?

    a. (If yes, proceed with questions.)
    b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000888

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte is the decendent; Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle; and [redacted] was in the backseat of the Civic.
Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
    a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
    b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
    a. How long were you assigned to that station?
    b. What was your assigned sector?
8. Where are you currently stationed?
    a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with any of the 3 parties prior to this incident?
11. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?
    c. What time did you arrive to work?
12. Did you make lineup?

13. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
14. Do you wear glasses? If yes, nearsighted or farsighted
15. Do you wear prescription contact lenses?
    a. Were you wearing them that night?
16. Describe the uniform you were wearing that day.
17. What equipment did you have on your person?
    a. What was your primary firearm?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
18. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
19. Who was your supervisor?

Training and Experience:

20. What type of training had you received regarding felony traffic stops?
21. What type of training had you received regarding barricaded suspects?
22. What type of training had you received regarding suspects in trunks?
23. What type of training had you received regarding armed suspects?
24. What type of training had you received regarding tactical considerations in patrol techniques?
25. What type of training had you received regarding tactical considerations in crimes involving several subjects that require multiple cover contact and cover officers?
26. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?
27. At the range, what firearms are you certified to use?
    a. Handgun.
        i. How are you trained regarding the sequence of fire?
        ii. Describe that process.

b. Shotgun.

c. Rifle.

CIT Training

28. Had you received CIT training? If no, have you?
29. Had you received Advanced Officer Training? If no, have you?
30. Had you received De-escalation training? If no, have you?
31. Had you received training on crisis negotiation? If no, have you?

Exhibit 1 and 2

Circle your vehicle, your position, distance and other officers' position. Please label exhibit with name star number and date.

Arrival at Scene

32. What were you doing prior to your response to the area of 20th and Capp St?
33. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
34. What information did you receive prior to the responding to the call?
35. Did you discuss any tactics/plan with other officers when you got to the scene? If so, whom?
36. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. Were you assigned that role? If so, whom?
    h. Why did you decide to take on that role?
    i. At what point did you draw your handgun?
37. Where was [redacted] when you arrived on the scene? What was he doing?
38. Where was Mr. Duarte
    j. What was he doing?
    k. Describe his body positioning in the trunk.
    l. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    m. How was your visibility?
    n. Did anything obstruct your view of Mr. Duarte?

o. What could you see? color, make, and model?

p. Describe his attitude and demeanor

q. Did he speak? If so, what did he say?

r. Approximate how far away you were from Mr. Duarte.

39. Describe the environment where the incident happened? (construction? heavy traffic?)

40. How many units were on scene?

41. Had you been in that type of situation before? If so, when? What incident?

42. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

43. What were your primary concerns at this point?

Tactics

44. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

s. If so, what were they?

t. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

u. Were you given instructions? If so, what were they?

45. Did you discuss tactics/plan with other officers when Mr. Duarte was given commands in Spanish and refused to exit the trunk?

46. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

v. Did you give any verbal commands to Mr. Duarte? What were they?

47. Where were you positioned when you gave Mr. Duarte verbal commands?

48. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did you inform any other officers that she was in the backseat?

49. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

50. When you were providing cover, how close were you to the suspect vehicle?

a. Who was the next to you?

51. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
52. Who was next to you?
53. Did you change position? If so, how many times? Where?
54. Was your firearm drawn? If so, was it pointed? Where was it pointed?

ERIW

55. Did you retrieve your ERIW from your vehicle? If no, why not?
56. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
57. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
58. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
59. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
60. How did Mr. Duarte respond after being shot with the ERIW?
    b. Did he communicate verbally after being shot with the ERIW?
    c. Did Mr. Duarte change positions after being shot with the ERIW?
    d. After being shot by the ERIW, what did Mr. Duarte do?
61. Who was closer to Mr. Duarte at this point?
62. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
63. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
64. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
65. Please describe what you saw when verbal commands were given to Mr. Duarte?
66. Did Mr. Duarte have anything in his hand? IF so, please describe?
67. Was Mr. Duarte moving? If so, please describe his movements?
68. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

69. What did you see and perceive prior to firing your weapon?
70. Was your handgun in double-action mode? What is double-action mode?

    Double-action mode is a method of shooting where pulling the trigger begins a complete cycle of operation to fire the firearm. Single-action mode is a method of shooting where the hammer is cocked back before the firearm can be fired.

71. Was your firearm in the cocked position?
72. Who fired their handgun?
    a. Did you see them fire their handgun?

b. Was your view ever impeded?

73. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

74. Was your view ever impeded when you opened fire?

75. When did you stop firing your weapon?

a. Were you ordered to stop firing?

76. What were you aiming at?

77. Did you move while firing your weapon?

78. Do you know how many rounds you fired?

a. How many magazines did you use?

79. How close were you to Mr. Duarte when you opened fire?

80. What was your sequence of fire? (fast, pairs, bursts, etc)

81. Did you use a spare weapon?

82. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

83. Were there any pedestrians nearby when gunshots were fired?

e. If yes, were they in the line of sight of any of the officers?

84. How close were you to Mr. Duarte when officers fired their handguns?

85. Who was next to you?

After the shooting

86. What did you do after you stopped firing?

87. After the gunshots stopped, what did you do?

88. Did you know where the gunshots were coming from?

89. How long was the incident?

90. Describe Mr. Duarte's body positioning after the shooting.

91. Was a 408 requested? Who requested it?

92. Did you speak to anyone at the scene after the shooting?

a. If so, who?

b. What did you say?

93. What happened to you once your supervisor arrived at the scene?

94. What did you do?

95. Were you transported to the station? By whom? Who was in the vehicle?

96. Did you provide a public safety statement? When? Where? To whom?

97. Where did you go after you left the scene? With whom?
98. What happened to your weapon? Was it confiscated? When?
99. What happened to your magazines? Was it confiscated? Was it left at the scene?
100. Do you now how many bullets you fired? If so, when and how did you find out?
101. Were you given a replacement?
102. Were you separated and monitored after the incident?
103. Were you still in possession of your BWC?
    a. If so, did anyone retrieve the camera from you?
    b. If so, who?
104. Were you injured as a result of this incident?
105. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)
    a. If so, describe.
    b. What happened after you were released from the hospital?
    c. Where did you go? With whom?
106. What time did you go home?
107. When did you first provide a statement regarding this incident?
    a. To whom did you provide a statement?
108. Did you view your BWC footage? If so, when?
109. Who else did you speak to about the incident?
110. Did you speak to your POA rep after the incident? When?
111. Did you speak to an attorney? When?
112. Did you prepare a brief written statement about the incident? If so, when?
    a. Were you told what information was to be provided in that brief statement?
    b. If so what elements did you have to cover in the statement?

INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

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Interview Questions
Officer Bryan Santana
9/14/18

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 21st and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Tell what happened
2. Did you review any documents to prepare for this interview?
3. Have you reviewed any videos related to this incident?
4. How many times have you been interviewed regarding this incident? Who interviewed you? As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
5. How long have you been employed with SFPD?
6. Where are you currently stationed?
   a. How long have you been assigned to Mission Station?
7. Have you worked at any other law enforcement agencies? If so, where? What was your title?
8. Were you on duty March 6, 2018? If so, what hours did you work?
9. What was your assignment? What was your assigned sector?
10. What time did you arrive to work?
11. Did you make lineup?
12. Did you have a partner? If so, whom?
13. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?

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Training and Experience: Spanish

14. Do you speak another language other than English? If so, what language? How many languages do you speak?
15. Are you certified by the Department of Human Resources as having proficiency in the Spanish language?
    a. If no, are you a non-certified Spanish speaking officer?
16. Does DHR test written and verbal proficiency?
17. Please explain the DHR certification process
18. How long have you been DHR certified as proficient in the Spanish language?
19. Do you have to renew your language certification with DHR?
20. Do you receive bilingual pay?
21. As a Spanish speaking officer, do you have added responsibilities while on duty? If so, what are they?
22. What is the difference between language translation and language interpretation?
23. Do you provide both services for SFPD? If no, what service do you provide?
24. Do you receive additional translation training in the Academy?
25. Do you receive additional interpreting training in the Academy?
26. How often do you translate while working?
27. What is your background as a translator?
28. Do you work as an interpreter?
29. How did you learn to speak Spanish?
30. When not working, how often do you speak Spanish?
31. Do you speak Spanish at home?
32. How often do you speak Spanish at home?
33. Prior to working for SFPD, did you have any translation training?
34. Prior to working for SFPD, did you have any interpreting training?
35. Have you received a Spanish proficiency certification from another jurisdiction or agency? If so, when? Is it written and verbal? Do you renew the certification?

CIT Training

36. Have you received CIT training?
    a. In training, were there any scenarios involving Language Access Services for Limited English Proficient (LEP) Persons?
    b. Would those type of scenarios be useful?

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37. Have you received Advanced Officer Training?
    a. In training, were there any scenarios involving Language Access Services for Limited English Proficient (LEP) Persons?
    b. Would those type of scenarios be useful?
38. Have you received De-escalation training?
    a. In training, were there any scenarios involving Language Access Services for Limited English Proficient (LEP) Persons?
    b. Would those type of scenarios be useful?
39. Have you received training on crisis negotiation?

Arrival at Scene

40. What were you doing prior to your response to the area of 20th and Capp St?
41. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
42. Please describe, in detail, your encounter with Mr. Duarte on March 6, 2018
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Who was providing lethal cover?
43. Where was Mr. Duarte when you arrived on the scene?
    e. What was he doing?
    f. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    g. How was your visibility?
    h. Did anything obstruct your view of Mr. Duarte?
    i. What could you see? color, make, and model?
    j. Describe his attitude and demeanor
    k. Did he speak? If so, what did he say?
44. Describe the environment where the incident happened? (construction? heavy traffic?)
45. How many units were on scene?
46. Have you been in that type of situation before? If so, when? What incident?

Use of Force

47. Did you discuss tactics/plan with other officers while at the scene?
    l. If so, what were they?

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m. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

n. Were you given instructions? If so, what were they?

48. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

o. Did you give any verbal commands to Mr. Duarte? What were they?

p. Where were you positioned when you gave Mr. Duarte verbal commands?

q. Were verbal commands given in Spanish?

49. When you gave the commands to Mr. Duarte in Spanish, how close were you to him?

r. How close was Officer Stephen Cassinelli #1104?

s. How close was Officer Corbyn Carroll #987?

t. How close was Officer Loren Chiu #1306?

u. How close was Officer John Ishida #2035?

v. How close was Officer Juan Gustilo #1469?

w. How close was Officer Nicholas Nagai #2017?

x. How close was Officer Sean O'Rourke #2214?

y. How close was Officer Colby Smets #253?

z. How close was Officer Ari Smith-Russack?

aa. How close was Officer Joshua Tupper #4115?

bb. How close was Officer Milen Banegas?

cc. How did Mr. Duarte respond to those commands?

50. Where was Officer Cassinelli in relation to where you were positioned when you gave verbal commands to Mr. Duarte?

51. Where was Officer Carroll in relation to where you were positioned when you gave verbal commands to Mr. Duarte?

52. Where was Officer Chiu in relation to where you were positioned when you gave verbal commands to Mr. Duarte?

53. Where was Officer Ishida in relation to where you were positioned when you gave verbal commands to Mr. Duarte?

54. Where was Officer Gustilo in relation to where you were positioned when you gave verbal commands to Mr. Duarte?

55. Where was Officer Nagai in relation to where you were positioned when you gave verbal commands to Mr. Duarte?

56. Where was Officer O'Rourke in relation to where you were positioned when you gave verbal commands to Mr. Duarte?

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57. Where was Officer Smets in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
58. Where was Officer Smith-Russack in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
59. Where was Officer Tupper in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
60. Where was Officer Banegas in relation to where you were positioned when you gave verbal commands to Mr. Duarte?
61. Did you have an Extended Range Impact Weapon aka ERIW? If so, why?
62. Was the ERIW department issued and authorized?
63. IS ERIW considered to be a lethal weapon?
64. Who was your lethal cover?
65. Did you use force on Mr. Duarte? (IV, V, VI)
    a. If so, what type of force was used?
    b. What level of force was used?
    c. What was the justification for that level of force?
    d. What was the level of resistance?
    e. Were you instructed to deploy the ERIW? If so, by whom?
    f. Did you use de-escalation tactics prior to firing the ERIW? If so, what tactics were used?
    g. Prior to firing the ERIW, please indicate Mr. Duarte's level of resistance
        i. Compliant? Passive Non-Compliant? Active Resistance? Assaultative? Life-Threatening?
66. How close were you to Mr. Duarte when you fired the ERIW?
    a. Were you 15ft or more?
67. Where was your point of aim? Zone 1? Zone2?
68. Was a warning announced to officers of the intent to use the ERIW? If so, who made the announcement? What was announced?
69. Was a warning announced to Mr. Duarte of the intent to use the ERIW? If so, who made the announcement? What was announced?
70. How much time, after the announcement, was Mr. Duarte given to voluntarily comply before deploying the ERIW?
71. How many ERIW rounds did you fire at Mr. Duarte?
72. How did Mr. Duarte respond after being shot with the ERIW?
    dd. Did he communicate with you verbally after being shot with the ERIW?
    ee. Did Mr. Duarte change positions after being shot with the ERIW?
    ff. After being shot by the ERIW, what did Mr. Duarte do?

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73. Who was closer to Mr. Duarte at this point?
74. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
75. Did you watch Mr. Duarte prior to and after he was shot by the ERIW? What did you see?
76. Please describe what you saw when Officer Banegas gave verbal commands to Mr. Duarte?
77. Did Mr. Duarte have anything in his hand? IF so, please describe?
78. Was Mr. Duarte moving? If so, please describe his movements?
79. Was your weapon drawn? If no, why not?
80. Did you use reportable use of force? (VII. A.)
    a. Was your reportable use of force documented in detail in the incident report? If so, by whom?
    b. Was your reportable use of force documented in detail a supplemental report? If so, who documented it
    c. Was your reportable use of force documented in detail in a statement form? If so, who wrote the statement?

81. Did you comply with DGO 5.01?
    a.
82. Were verbal commands given to [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?
    gg. Were verbal commands given in Spanish?

Shooting

83. Who fired their handgun first?
84. Who fired their handgun?
85. Do you see them fire their handgun?
86. Was your view ever obstructed?
87. Did you hear gun fire prior to seeing gun fire?
88. What did you do when you heard the gun fire?
89. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?
90. Were there any pedestrians nearby when gunshots were fired?
    hh. If yes, were they in the line of sight of any of the officers?
91. How close were you to Mr. Duarte when officers fired their handguns?
92. How close was Officer Cassinelli to Mr. Duarte when Officer Cassinelli fired his handgun?
93. How close was Officer Carroll to Mr. Duarte when Officer Carroll fired his handgun?
94. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?

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95. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?

96. How close was Officer Gustilo to Mr. Duarte when Officer Gustilo fired his handgun?

97. How close was Officer Nagai to Mr. Duarte when fired his handgun?

98. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?

99. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?

100. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?

101. How close was Officer Tupper to Mr. Duarte when Officer Tupper fired his handgun?

102. Where was Officer Cassinelli in relation to where you were when he fired his handgun?

103. Where was Officer Carroll in relation to where you were when he fired his handgun?

104. Where was Officer Chiu in relation to where you were when he fired his handgun?

105. Where was Officer Ishida in relation to where you were when he fired his handgun?

106. Where was Officer Gustilo in relation to where you were when he fired his handgun?

107. Where was Officer Nagai in relation to where you were when he fired his handgun?

108. Where was Officer O'Rourke in relation to where you were when he fired his handgun?

109. Where was Officer Smets in relation to where you were when he fired his handgun?

110. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?

111. Where was Officer Tupper in relation to where you were when he fired his handgun?

112. Why did officers stop firing?

113. What did you do after officers stopped firing?

114. After the gunshots stopped, what did you do?

115. Did you give verbal commands to Ms. [redacted]? If so, what did you say? Did you give the commands in Spanish?

116. Did it sound like multiple gunshots?

117. Did you know where the gunshots were coming from?

118. How long did you speak Mr. Duarte in Spanish? An estimation

119. How long was the incident?

120. When did you learn that Mr. Duarte had a gun?

121. Did anyone inform you that there was a possibility that Mr. Duarte had a gun? If so, whom? When?

BWC

122. Did you activate your BWC?

123. When did you activate your BWC?

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Draw diagram

Please draw a diagram of the scene. Draw the vehicles, your position, distance and other officers position. Please label the officers with their star number.

SFDPA - 0097-18 - 000904

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Colby Smets #253_____, who is a named officer in this matter.
4. Representing Officer __Smets__ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Smets_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer __Smets_____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

   - You have the right to remain silent.
   - Anything you say may be used against you in court.
   - You have the right to an attorney before and after questioning.

   Do you understand each of these rights that I have explained to you?
   With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

   - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

   - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

   - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

   - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer __Smets__, will you answer my questions as ordered at this time?

   a. (If yes, proceed with questions.)
   b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000906

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte is the decendent; Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle; and [redacted] was in the backseat of the Civic.
Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
    a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
    b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
    a. How long were you assigned to that station?
    b. What was your assigned sector?
8. Where are you currently stationed?
    a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with any of the 3 parties prior to this incident?
11. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?
    c. What time did you arrive to work?
12. Did you make lineup?

13. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
14. Do you wear glasses? If yes, nearsighted or farsighted
15. Do you wear prescription contact lenses?
    a. Were you wearing them that night?
16. Describe the uniform you were wearing that day.
17. What equipment did you have on your person?
    a. What was your primary firearm?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
18. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
19. Who was your supervisor?

Training and Experience:

20. What type of training had you received regarding felony traffic stops?
21. What type of training had you received regarding barricaded suspects?
22. What type of training had you received regarding suspects in trunks?
23. What type of training had you received regarding armed suspects?
24. What type of training had you received regarding tactical considerations in patrol techniques?
25. What type of training had you received regarding tactical considerations in crimes involving several subjects that require multiple cover contact and cover officers?
26. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?
27. At the range, what firearms are you certified to use?
    a. Handgun.
        i. How are you trained regarding the sequence of fire?
        ii. Describe that process.

b. Shotgun.

c. Rifle.

CIT Training

28. Had you received CIT training? If no, have you?
29. Had you received Advanced Officer Training? If no, have you?
30. Had you received De-escalation training? If no, have you?
31. Had you received training on crisis negotiation? If no, have you?

Exhibit 1 and 2

Circle your vehicle, your position, distance and other officers' position. Please label exhibit with name star number and date.

Arrival at Scene

32. What were you doing prior to your response to the area of 20th and Capp St?
33. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
34. What information did you receive prior to the responding to the call?
35. Did you discuss any tactics/plan with other officers when you got to the scene? If so, whom?
36. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. Were you assigned that role? If so, whom?
    h. Why did you decide to take on that role?
    i. At what point did you draw your handgun?
37. Where was [redacted] when you arrived on the scene? What was he doing?
38. Where was Mr. Duarte
    j. What was he doing?
    k. Describe his body positioning in the trunk.
    l. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    m. How was your visibility?
    n. Did anything obstruct your view of Mr. Duarte?

o. What could you see? color, make, and model?

p. Describe his attitude and demeanor

q. Did he speak? If so, what did he say?

r. Approximate how far away you were from Mr. Duarte.

39. Describe the environment where the incident happened? (construction? heavy traffic?)

40. How many units were on scene?

41. Had you been in that type of situation before? If so, when? What incident?

42. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

43. What were your primary concerns at this point?

Tactics

44. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

s. If so, what were they?

t. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

u. Were you given instructions? If so, what were they?

45. Did you discuss tactics/plan with other officers when Mr. Duarte was given commands in Spanish and refused to exit the trunk?

46. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

v. Did you give any verbal commands to Mr. Duarte? What were they?

47. Where were you positioned when you gave Mr. Duarte verbal commands?

48. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did you inform any other officers that she was in the backseat?

49. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

50. When you were providing cover, how close were you to the suspect vehicle?

a. Who was the next to you?

51. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
52. Who was next to you?
53. Did you change position? If so, how many times? Where?
54. Was your firearm drawn? If so, was it pointed? Where was it pointed?

ERIW

55. Did you retrieve your ERIW from your vehicle? If no, why not?
56. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
57. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
58. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
59. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
60. How did Mr. Duarte respond after being shot with the ERIW?
    b. Did he communicate verbally after being shot with the ERIW?
    c. Did Mr. Duarte change positions after being shot with the ERIW?
    d. After being shot by the ERIW, what did Mr. Duarte do?
61. Who was closer to Mr. Duarte at this point?
62. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
63. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
64. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
65. Please describe what you saw when verbal commands were given to Mr. Duarte?
66. Did Mr. Duarte have anything in his hand? IF so, please describe?
67. Was Mr. Duarte moving? If so, please describe his movements?
68. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

69. What did you see and perceive prior to firing your weapon?
70. Was your handgun in double-action mode? What is double-action mode?

    Double-action mode is a method of shooting where pulling the trigger begins a complete cycle of operation to fire the firearm. Single-action mode is a method of shooting where the hammer is cocked back before the firearm can be fired.

71. Was your firearm in the cocked position?
72. Who fired their handgun?
    a. Did you see them fire their handgun?

b. Was your view ever impeded?

73. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

74. Was your view ever impeded when you opened fire?

75. When did you stop firing your weapon?

a. Were you ordered to stop firing?

76. What were you aiming at?

77. Did you move while firing your weapon?

78. Do you know how many rounds you fired?

79. How close were you to Mr. Duarte when you opened fire?

80. What was your sequence of fire? (fast, pairs, bursts, etc)

81. Did you use a spare weapon?

82. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

83. Were there any pedestrians nearby when gunshots were fired?

e. If yes, were they in the line of sight of any of the officers?

84. How close were you to Mr. Duarte when officers fired their handguns?

85. Who was next to you?

After the shooting

86. What did you do after you stopped firing?

87. After the gunshots stopped, what did you do?

88. Did you know where the gunshots were coming from?

89. How long was the incident?

90. Describe Mr. Duarte's body positioning after the shooting.

91. Was a 408 requested? Who requested it?

92. Did you speak to anyone at the scene after the shooting?

a. If so, who?

b. What did you say?

93. What happened to you once your supervisor arrived at the scene?

94. What did you do?

95. Did you provide a public safety statement?

a. To whom?

96. What happened to your weapon?

97. Were you given a replacement?

98. Where did you go after you left the scene? With whom?

99. Were you separated and monitored after the incident?

100. Were you still in possession of your BWC?

    a. If so, did anyone retrieve the camera from you?

    b. If so, who?

101. Were you injured as a result of this incident?

102. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)

    a. If so, describe.

    b. What happened after you were released from the hospital?

    c. Where did you go? With whom?

103. What time did you go home?

104. When did you first provide a statement regarding this incident?

    a. To whom did you provide a statement?

105. Did you view your BWC footage? If so, when?

106. Who else did you speak to about the incident?

107. Did you speak to your POA rep after the incident? When?

108. Did you speak to an attorney? When?

109. Did you prepare a brief written statement about the incident? If so, when?

    a. Were you told what information was to be provided in that brief statement?

    b. If so what elements did you have to cover in the statement?

INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000914

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Ari Smith-Russack_____, who is a named officer in this matter.
4. Representing Officer __Smith-Russack___ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Smith-Russack_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer __Smith-Russack_____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

    - You have the right to remain silent.
    - Anything you say may be used against you in court.
    - You have the right to an attorney before and after questioning.

    Do you understand each of these rights that I have explained to you?
    With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

    - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

    - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

    - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

    - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer __Smith-Russack__, will you answer my questions as ordered at this time?

    a. (If yes, proceed with questions.)
    b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

SFDPA - 0097-18 - 000916

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte is the decendent; Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle; and [redacted] was in the backseat of the Civic.
Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
    a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
    b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
    a. How long were you assigned to that station?
    b. What was your assigned sector?
8. Where are you currently stationed?
    a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with any of the 3 parties prior to this incident?
11. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?
    c. What time did you arrive to work?
12. Did you make lineup?

13. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
14. Do you wear glasses? If yes, nearsighted or farsighted
    a. Do you wear prescription contact lenses?
    b. Were you wearing them that night?
15. Describe the uniform you were wearing that day.
16. What equipment did you have on your person?
    a. What was your primary weapon?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
17. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
18. Who was your supervisor?

Training and Experience:

19. What type of training had you received regarding felony traffic stops?
20. What type of training had you received regarding barricaded suspects?
21. What type of training had you received regarding suspects in trunks?
22. What type of training had you received regarding armed suspects?
23. What type of training had you received regarding tactical considerations in patrol techniques?
24. What type of training had you received regarding tactical considerations in crime involving several subjects that require multiple cover contact and cover officers?
25. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?

CIT Training

26. Had you received CIT training? If no, have you?
27. Had you received Advanced Officer Training? If no, have you?
28. Had you received De-escalation training? If no, have you?

29. Had you received training on crisis negotiation? If no, have you?

Exhibit 1 and 2

Circle your vehicle, your position, distance and other officers' position. Please label exhibit with name star number and date.

Arrival at Scene

30. What were you doing prior to your response to the area of 20th and Capp St?
31. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
32. What information did you receive prior to the responding to the call?
33. Did you discuss any tactics/plan with other officers when you got to the scene? If so, whom?
34. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. Were you assigned that role? If so, whom?
    h. Why did you decide to take on that role?
    i. At what point did you draw your handgun?
35. Where was [redacted] when you arrived on the scene? What was he doing?
36. Where was Mr. Duarte
    j. What was he doing?
    k. Describe his body positioning in the trunk.
    l. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    m. How was your visibility?
    n. Did anything obstruct your view of Mr. Duarte?
    o. What could you see? color, make, and model?
    p. Describe his attitude and demeanor
    q. Did he speak? If so, what did he say?
    r. Approximate how far away you were from Mr. Duarte.
37. Describe the environment where the incident happened? (construction? heavy traffic?)
38. How many units were on scene?

39. Had you been in that type of situation before? If so, when? What incident?

40. Explain the purpose of creating time and distance

    a. What are you trained to do with non-complaint individuals?

    b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

    c. What are you trained to do when the suspect is in a trunk or confined space?

41. What were your primary concerns at this point?

Tactics

42. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

    s. If so, what were they?

    t. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

    u. Were you given instructions? If so, what were they?

43. Did you discuss tactics/plan with other officers when Mr. Duarte was given commands in Spanish and refused to exit the trunk?

44. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

    v. Did you give any verbal commands to Mr. Duarte? What were they?

45. Where were you positioned when you gave Mr. Duarte verbal commands?

46. Did you know there was someone in the backseat? If so, how?

    a. Did you see her?

    b. Did someone inform you? If so, whom?

    c. How long into the incident until you were made aware [redacted] was located in the backseat?

    d. Did you inform any other officers that she was in the backseat?

47. Were verbal commands given to Ms. [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

48. When you were providing cover, how close were you to the suspect vehicle?

    a. How close were to Officer Stephen Cassinelli #1104?

    b. How close were to Officer Juan Gustilo?

    c. How close were to Officer John Ishida #2035?

    d. How close were to Officer Loren Chiu?

    e. How close were to Officer Nicholas Nagai #2017?

    f. How close were to Officer Sean O'Rourke #2214?

    g. How close were to Officer Colby Smets #253?

h. How close were to Officer Ari Smith-Russack?

i. How close were to Officer Joshua Tupper #4115?

j. How close were to Officer Bryan Santana #2097?

49. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?
50. Who was next to you?
51. Did you change position? If so, how many times? Where?
52. Was your firearm drawn? If so, was it pointed? Where was it pointed?

ERIW

53. Did you retrieve your ERIW from your vehicle? If no, why not?
54. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
55. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
56. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
57. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
58. How did Mr. Duarte respond after being shot with the ERIW?

    k. Did he communicate verbally after being shot with the ERIW?

    l. Did Mr. Duarte change positions after being shot with the ERIW?

    m. After being shot by the ERIW, what did Mr. Duarte do?

59. Who was closer to Mr. Duarte at this point?
60. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
61. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
62. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
63. Please describe what you saw when verbal commands were given to Mr. Duarte?
64. Did Mr. Duarte have anything in his hand? IF so, please describe?
65. Was Mr. Duarte moving? If so, please describe his movements?
66. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

67. What did you see and perceive prior to firing your weapon?
68. Who fired their handgun?

    a. Did you see them fire their handgun?

    b. Was your view ever impeded?

69. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

70. Was your view ever impeded when you opened fire?

71. When did you stop firing your weapon?

a. Were you ordered to stop firing?

72. What were you aiming at?

73. Did you move while firing your weapon?

74. Do you know how many rounds you fired?

75. How close were you to Mr. Duarte when you opened fire?

76. What was your sequence of fire? (fast, pairs, bursts, etc)

77. Did you use a spare weapon?

78. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

79. Were there any pedestrians nearby when gunshots were fired?

n. If yes, were they in the line of sight of any of the officers?

80. How close were you to Mr. Duarte when officers fired their handguns?

81. How close was Officer Cassinelli to Mr. Duarte when Officer Cassinelli fired his handgun?

82. How close was Officer Gustilo to Mr. Duarte when Officer Carroll fired his handgun?

83. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?

84. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?

85. How close were you to Mr. Duarte when you fired his handgun?

86. How close was Officer Nagai to Mr. Duarte when fired his handgun?

87. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?

88. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?

89. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?

90. How close was Officer Tupper to Mr. Duarte when Officer Tupper fired his handgun?

91. Where was Officer Cassinelli in relation to where you were when he fired his handgun?

92. Where was Officer Gustilo in relation to where you were when he fired his handgun?

93. Where was Officer Chiu in relation to where you were when he fired his handgun?

94. Where was Officer Ishida in relation to where you were when he fired his handgun?

95. Where was Officer Nagai in relation to where you were when he fired his handgun?

96. Where was Officer O'Rourke in relation to where you were when he fired his handgun?

97. Where was Officer Smets in relation to where you were when he fired his handgun?

98. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?

99. Where was Officer Tupper in relation to where you were when he fired his handgun?

After the shooting

100. What did you do after you stopped firing?

101. After the gunshots stopped, what did you do?

102. Did you know where the gunshots were coming from?

103. How long was the incident?

104. Describe Mr. Duarte's body positioning after the shooting.

105. Was a 408 requested? Who requested it?

106. Did you speak to anyone at the scene after the shooting?

    a. If so, who?

    b. What did you say?

107. What happened to you once your supervisor arrived at the scene?

108. What did you do?

109. Did you provide a public safety statement?

    a. To whom?

110. What happened to your weapon?

111. Were you given a replacement?

112. Where did you go after you left the scene? With whom?

113. Were you separated and monitored after the incident?

114. Were you still in possession of your BWC?

    a. If so, did anyone retrieve the camera from you?

    b. If so, who?

115. Were you injured as a result of this incident?

116. Were you provided medical treatment? Where?

117. What treatment were you given?

118. What was your diagnosis?

119. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)

    a. If so, describe.

    b. What happened after you were released from the hospital?

    c. Where did you go? With whom?

120. What time did you go home?

121. When did you first provide a statement regarding this incident?
    a. To whom did you provide a statement?
122. Did you view your BWC footage? If so, when?
123. Who else did you speak to about the incident?
124. Did you speak to your POA rep after the incident? When?
125. At what point did you prepare a brief written statement about the incident? If no, why not?
    a. Were you told what information was to be provided in that brief statement?
    b. If so what elements did you have to cover in the statement?
126. Did you provide any verbal statement to the officer preparing the incident report?
127. Did you provide a written statement for the report?

INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

SFDPA - 0097-18 - 000925

DPA INTERVIEW ADVISEMENT SCRIPT
(For All Officer Interviews)

1. This interview regarding DPA Case #__0097-18_____ is taking place at the Department of Police Accountability on _____ at _____o'clock.
2. Conducting this interview is Candace Carpenter and Tinnetta Thompson_. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation.
3. The member being interviewed is _Joshua Tupper #4115__, who is a named officer in this matter.
4. Representing Officer __Tupper___ is _____.
5. **Use this sentence only if the member is a named member:**
    a. Have you read the DPA Form 293 and Allegation Form(s) regarding the allegations of misconduct?
6. **If you deem there might be criminal culpability on the part of the officer, or if the officer has already indicated a desire to invoke their Fifth Amendment Rights, then do the Fifth Amendment/Lybarger script on page 2 now, then return to question 7, below.**
7. Officer _Tupper_____, I have provided you a DPA Administrative Interview Advisements form. If you have not already, please sign that form and hand it back to me now. (Wait to receive form.) For the recording, I note that Officer _____ has handed me a DPA Administrative Interview Advisements form which bears his/her signature and star number, and today's date. (I also note that the form has been signed by his/her representative, _____.) I will store this form in the DPA file for this case.
8. With all these advisements in mind, is there any reason you cannot go forward with this interview right now?

    - If the officer says yes, ask why and then resolve the problem.
    - If the officer says he wants more discovery, and this is the first interview, tell him "You have received all the discovery to which you are entitled under Pasadena POA v. City of Pasadena," and proceed with the interview.
    - If the officer says the problem is that s/he wants to assert the Fifth Amendment right to silence, then do the Miranda/Lybarger script on page 2. DO NOT ASSUME AN INVOCATION – the officer must say they are invoking.

FIFTH AMENDMENT / LYBARGER SCRIPT

If the officer asserts the Fifth Amendment right to silence OR this is a case where you think there might be criminal culpability, use the following page of the script. **If not, skip this page.**

1. Officer _____, because (**pick one or more**: a) there may be criminal culpability on your part, or b) you have asserted the right to remain silent) I want to be certain you understand the following rights:

   - You have the right to remain silent.
   - Anything you say may be used against you in court.
   - You have the right to an attorney before and after questioning.

   Do you understand each of these rights that I have explained to you?
   With these rights in mind, would you like to answer my questions now?

2. If the named officer chooses to speak to you, skip the rest of this section. If the named officer invokes their Fifth Amendment rights and declines to be interviewed, then read the following Lybarger Advisement:

   - While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation.

   - I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation.

   - If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment.

   - Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify in such a criminal case.

3. Do you understand this order? (If not, walk through any questions they have.)

4. Officer _____, will you answer my questions as ordered at this time?

   a. (If yes, proceed with questions.)
   b. (If no, then ask:) Are you refusing to answer my questions? Do you understand that refusing to answer my questions can result in severe discipline, including your termination?

This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at 10:36pm at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte; Mr. [redacted] will be referred to as Mr. [redacted]; and [redacted] will be referred to as Ms. [redacted].

Rule of 3

- **Tell what happened, no interruptions**
- **Start from beginning**
  - **Background**
  - **Breakdown of Incident**
    - **Time**
    - **Weather**
    - **Distance**
    - **Vehicle**
    - **Occupants**
- **Diagram**

1. Did you review any documents to prepare for this interview? If so, what?
2. Have you reviewed any videos related to this incident? If so, what?
3. How many times have you been interviewed regarding this incident? Who interviewed you?
4. As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident. If so, please explain. What are some details that you now recall that you could not shortly after the incident?
   a. Is there anything that was not covered in those interviews that you would like to add to the record at this time?
   b. Is there anything that you'd like to clarify?
5. Other than your rep or attorney, have you spoken to anyone else about this case?
6. How long have you been employed with SFPD?
7. Where were you stationed at the time of the incident?
   a. How long were you assigned to that station?
   b. What was your assigned sector?
8. Where are you currently stationed?
   a. Did you request the transfer to your current station? If so, why?
9. Have you worked at any other law enforcement agencies? If so, where? What was your title?
10. Have you had any previous involvement with [redacted] prior to this incident?
11. Have you had any previous involvement with [redacted] prior to this incident?
12. Have you had any previous involvement with Jesus Delgado-Duarte prior to this incident?
13. You were on duty March 6, 2018, is that correct?
    a. What shift?
    b. How many hours of sleep had you had before your shift?

c. What time did you arrive to work?

14. Did you make lineup?
15. Did you have a partner? If so, whom?
    a. Between you and your partner, who was the senior officer?
    b. How long had you worked with your partner?
16. Do you wear glasses? If yes, nearsighted or farsighted
17. Do you wear prescription contact lenses?
    a. Were you wearing them that night?
18. Describe the uniform you were wearing that day.
19. What equipment did you have on your person?
    a. What was your primary weapon?
    b. Do you carry a backup weapon? If so, what?
    c. Was your gun fully loaded?
    d. How many bullets did you have when you started your shift?
    e. Did you have extra magazines? If so, how many?
    f. What less lethal options did you have on your person?
20. Were you in a vehicle?
    a. What type of vehicle?
    b. Were you the driver or passenger?
    c. What equipment did you have in your vehicle?
    d. What less lethal options did you have in your vehicle?
21. Who was your supervisor?
    a. Who did you provide a statement to regarding the incident?

Training and Experience:

22. What type of training had you received regarding felony traffic stops?
23. What type of training had you received regarding barricaded suspects?
24. What type of training had you received regarding suspects in trunks?
25. What type of training had you received regarding armed suspects?
26. What type of training had you received regarding law enforcement tactics?
27. Do you speak any other languages? If so, what languages?
    a. Are you DHR certified in that language?
28. Per DGO 5.02, Use of Firearms, what is your understanding of the authorized circumstances that an officer may handle and draw firearms?

29. What are the permissible circumstances an officer may discharge a firearm?
30. At the Academy, were you trained to fire your weapon in controlled pairs and access? If no, how were you trained?

CIT Training

31. Had you received CIT training? If no, have you?
32. Had you received Advanced Officer Training? If no, have you?
33. Had you received De-escalation training? If no, have you?
34. Had you received training on crisis negotiation? If no, have you?

Arrival at Scene

35. What were you doing prior to your response to the area of 20th and Capp St?
36. Why did you respond to 20th and Capp St? If no, where did you respond? Why did you respond to that location?
37. What information did you receive prior to the responding to the call?
38. Did you discuss any tactics/plan with other officers prior to making contact with Mr. Duarte?
39. Prior to exiting your vehicle, did you run any information on the vehicle or parties involved?
    a. If so, what did you run? What did you learn from the runs?

Exhibit 1 and 2

Circle your vehicle, initial your position, distance and other officers' position. Please label the exhibits with initials, star number, and date.

40. Please describe, in detail, your involvement in the felony traffic stop/detention of Mr. Duarte
    a. Were you one of the first officers to arrive on scene?
    b. Who was there when you arrived?
    c. Who was the highest ranking officer on scene at the time?
    d. Were you concerned about cover? Or lack of cover?
    e. Who was providing lethal cover?
    f. What was your role?
    g. At what point did you draw your handgun?
41. Where was Mr. Duarte when you arrived on the scene?
    h. What was he doing?
    i. Describe his body positioning in the trunk.
    j. Describe the lighting conditions. Artificial lighting, vehicle lighting, street lighting
    k. How was your visibility?
    l. Did anything obstruct your view of Mr. Duarte?

m. What could you see? color, make, and model?

n. Describe his attitude and demeanor

o. Did he speak? If so, what did he say?

p. Approximate how far away you were from Mr. Duarte.

42. Describe the environment where the incident happened? (construction? heavy traffic?)

43. How many units were on scene?

44. Had you been in that type of situation before? If so, when? What incident?

45. Explain the purpose of creating time and distance

a. What are you trained to do with non-complaint individuals?

b. What are you trained to do when you are at a location of disadvantage in relation to the suspect?

c. What are you trained to do when the suspect is in a trunk or confined space?

46. What were your primary concerns at this point?

Tactics

47. Did you discuss tactics/plan with other officers when Mr. Duarte refused to exit the trunk?

q. If so, what were they?

r. Were you told how many individuals were in the vehicle? Were you given the location of the occupants?

s. Were you given instructions? If so, what were they?

48. Were verbal commands given to Mr. Duarte? Who gave them? What were they? How did he respond?

t. Did you give any verbal commands to Mr. Duarte? What were they?

u. Did you use tactical communication?

49. Where were you positioned when you gave Mr. Duarte verbal commands?

50. Did you know there was someone in the backseat? If so, how?

a. Did you see her?

b. Did someone inform you? If so, whom?

c. How long into the incident until you were made aware [redacted] was located in the backseat?

d. Did Officer Carroll inform you that she was in the backseat? If so, did you relay the information to anyone?

e. Were verbal commands given to [redacted]? When were they given? What were they? How did she respond? Did you give her different commands from Mr. Duarte?

51. Are you familiar with DGO 8.02, Hostage and Barricaded Subjects?

a. Was this incident a barricaded suspect incident? If so, why?

b. Did normal police procedures fail to bring about an arrest of Mr. Duarte?

c. Was there an attempt to use a hostage negotiator? If no, why not?

d. Who would have made that decision?

e. Did you receive any instructions from a supervisor?

f. Who was the senior officer at the scene, when stopped issuing commands?

g. Did you request a field supervisor? If no, did another officer request a field supervisor?

52. When Officer Banegas was on the bullhorn giving commands, How did Mr. Duarte respond to those commands?

    a. Who was next to you?

    b. Did you change position? If so, how many times? Where?

    c. Was your firearm drawn? If so, was it pointed? Where was it pointed?

    d. Did you have cover?

    e. Were you telling Officer Banegas what to translate to Mr. Duarte? If no, then whom?

53. Where was Officer Carroll in relation to where you were positioned when verbal commands were given to Mr. Duarte?

54. Where was Officer Gustilo in relation to where you were positioned when verbal commands were given to Mr. Duarte?

55. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?

56. Where was Officer Ishida in relation to where you were positioned when verbal commands were given to Mr. Duarte?

57. Where was Officer Chiu in relation to where you were positioned when verbal commands were given to Mr. Duarte?

58. Where was Officer Nagai in relation to where you were positioned when verbal commands were given to Mr. Duarte?

59. Where was Officer O'Rourke in relation to where you were positioned when verbal commands were given to Mr. Duarte?

60. Where was Officer Smets in relation to where you were positioned when verbal commands were given to Mr. Duarte?

61. Where was Officer Smith-Russack in relation to where you were positioned when verbal commands were given to Mr. Duarte?

62. Where was Officer Cassinelli in relation to where you were positioned when verbal commands were given to Mr. Duarte?

63. Where was Officer Santana in relation to where you were positioned when verbal commands were given to Mr. Duarte?

64. Who determined that a ERIW should be used?

65. Did you retrieve your ERIW from your vehicle? If no, why not?
66. How close were you to Mr. Duarte when Officer Santana fired the ERIW?
67. Were any warnings given by Officer Santana before he fired the ERIW? What were they?
68. Did any other officers give Mr. Duarte a warning that they were going to use the ERIW? If yes, what was said and who said it.
69. How many ERIW rounds did Officer Santana fire at Mr. Duarte?
70. How did Mr. Duarte respond after being shot with the ERIW?
    a. Did he communicate verbally after being shot with the ERIW?
    b. Did Mr. Duarte change positions after being shot with the ERIW?
    c. After being shot by the ERIW, what did Mr. Duarte do?
71. Who was closer to Mr. Duarte at this point?
72. Did you move prior to Mr. Duarte being shot with the ERIW? If so, why?
73. Did you move after Mr. Duarte was shot by the ERIW? If so, why?
74. Did you watch Mr. Duarte prior to and after he was shot by the ERIW?
75. Please describe what you saw when verbal commands were given to Mr. Duarte?
76. Did Mr. Duarte have anything in his hand? IF so, please describe?
77. Was Mr. Duarte moving? If so, please describe his movements?
78. Did you know Mr. Duarte had a gun? If so, did that change your tactics?

Shooting

79. What did you see before firing your weapon?
80. What did you hear before firing your weapon?
81. Describe your breathing before you fired your weapon. Normal, controlled, quick
82. Describe your breathing while firing your weapon
83. What was your shooting position? Standing, kneeling, prone
84. Did you move while firing your weapon?
85. Do you know how many rounds you fired?
86. What was your sequence of fire? (fast, pairs, bursts, etc)
87. Describe your trigger control.
88. Describe your breathing when you stopped firing your weapon and accessed the situation
89. Did you use a spare weapon?
90. Who fired their handgun first?
91. Who fired their handgun?

a. Did you see them fire their handgun?

b. Was your view ever impeded?

92. Did you hear gun fire prior to seeing gun fire?

a. What did you do when you heard the gun fire?

93. What did you see and perceive prior to firing your weapon?

94. Was your view ever impeded when you opened fire?

95. When did you stop firing your weapon?

a. Were you ordered to stop firing?

96. What were you aiming at?

97. How close were you to Mr. Duarte when you opened fire?

98. Were any of the officers that fired their handgun moving while they fired at Mr. Duarte?

99. Were there any pedestrians nearby when gunshots were fired?

d. If yes, were they in the line of sight of any of the officers?

100. How close were you to Mr. Duarte when officers fired their handguns?

101. How close was Officer Carroll to Mr. Duarte when Officer Cassinelli fired his handgun?

102. How close was Officer Gustilo to Mr. Duarte when Officer Carroll fired his handgun?

103. How close was Officer Chiu to Mr. Duarte when Officer Chiu fired his handgun?

104. How close was Officer Ishida to Mr. Duarte when Officer Ishida fired his handgun?

105. How close were you to Mr. Duarte when you fired his handgun?

106. How close was Officer Nagai to Mr. Duarte when fired his handgun?

107. How close was Officer O'Rourke to Mr. Duarte when Officer O'Rourke fired his handgun?

108. How close was Officer Smets to Mr. Duarte when Officer Smets fired his handgun?

109. How close was Officer Smith-Russack to Mr. Duarte when Officer Smith-Russack fired his handgun?

110. How close was Officer Cassinelli to Mr. Duarte when Officer Tupper fired his handgun?

111. Where was Officer Carroll in relation to where you were when he fired his handgun?

112. Where was Officer Gustilo in relation to where you were when he fired his handgun?

113. Where was Officer Chiu in relation to where you were when he fired his handgun?

114. Where was Officer Ishida in relation to where you were when he fired his handgun?

115. Where was Officer Nagai in relation to where you were when he fired his handgun?

116. Where was Officer O'Rourke in relation to where you were when he fired his handgun?

117. Where was Officer Smets in relation to where you were when he fired his handgun?

118. Where was Officer Smith-Russack in relation to where you were when he fired his handgun?

119. Where was Officer Tupper in relation to where you were when he fired his handgun?

After the shooting

120. What did you do after you stopped firing?

121. After the gunshots stopped, what did you do?

122. Did you know where the gunshots were coming from?

123. How long was the incident?

124. Describe Mr. Duarte's body positioning after the shooting.

125. Was a 408 requested? Who requested it?

126. Did you speak to anyone at the scene after the shooting?

    a. If so, who?

    b. What did you say?

127. What happened to you once your supervisor arrived at the scene?

128. What did you do?

129. Did you provide a public safety statement?

    a. To whom?

130. What happened to your weapon?

131. Were you given a replacement?

132. Where did you go after you left the scene? With whom?

133. Were you separated and monitored after the incident?

134. Were you still in possession of your BWC?

    a. If so, did anyone retrieve the camera from you?

    b. If so, who?

135. Were you injured as a result of this incident?

136. Were you provided medical treatment? Where?

137. What treatment were you given?

138. What was your diagnosis?

139. Did you experience any perceptual distortions? (Sight, sound, time, memory loss, disassociation, etc.)

    a. If so, describe.

    b. What happened after you were released from the hospital?

    c. Where did you go? With whom?

140. What time did you go home?

141. When did you first provide a statement regarding this incident?
    a. To whom did you provide a statement?
    b. Did you have access to your BWC footage at the time?
142. Who else did you speak to about the incident?
143. Did you speak to your POA rep after the incident? When?
144. Did you provide any verbal statement to the officer preparing the incident report?
145. Did you provide a written statement for the report?

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INTERVIEW CLOSING

1. Is there any other statement relevant to this incident you wish to make at this time?

2. Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

3. You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case, and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you would like the Chief to consider in that regard?

4. The interview is concluded at (Time).

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Interview Questions

Sergeant Leonard Caldera
1/23/19

1. How did you prepare for this interview?
    a. Did the review assist in your recollection of the incident?
2. What was your assignment on the day of the incident?
    a. How long had you been a sergeant in the Mission District?
    b. How many sergeants were on duty at the time of the incident? If so, whom?
    c. Is it true that Sergeant Perez was with you?
3. Was a lieutenant on duty at the time of the incident? If so, whom?
4. CAD [redacted] shows you responded to 21st and Capp Street
    a. Is it true that Sergeant Perez was with you?
    b. What brought you to that location?
    c. What did you hear on the radio?
    d. Where were you when you heard the call?
5. When you arrived at the scene, where did you go?
    a. Who did you speak to? What did they say?
    b. What did you observe?
    c. What did you hear?
    d. What did you do next?
        i. Did you communicate on the radio? If so, what did you say?
        ii. Did you talk to officers at the scene? If so, whom?
        iii. Did you notify dispatch that you were on scene? If no, why not? If so, when was dispatched notified and how did you notify them?

iv. Were you planning with others how to get the decedent out of the truck? If so, what was your plan?

v. Did you know he had a gun? If so, how?

6. Where were you when shots were fired?

7. Who was next to you when shots were fired?

8. Did you see who shot first?

9. Did you see who was shooting? If so, whom?

10. Do you know why officers stopped firing their weapons?

11. After the shots stopped, what did you do?

    a. Where was Sergeant Perez?

    b. Did you take command of the crime scene? If so, what did you do? If no, then whom? Who was responsible for taking command of the crime scene?

12. Were you identified as an involved party in the OIS? If so, what was your involvement? Why were identified as a victim?

[redacted]

[redacted]

?

24. [redacted]

SIDEWALK

PARKED PARKED PARKED PARKED PARKED PARKED

E

W

S

N

NOT TO SCALE

CAPP STREET

PD

PD

PD

PD

PD

PD

S

PARKED PARKED PARKED PARKED PARKED

SIDEWALK

SGT. G. HOWARD SFPD

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16
139
124
157

Extended Loan

Rank	Name	Star	From	To	Eff. Date	Reason
Q 2	Salazar,Carlos R.	499	Park Station	Community Engagement Division HSOC	05/04/19	Extended Loan
Q 2	Sevilla,Lionel N	1725	Richmond Station	Academy SOLO Training	05/04/19	Extended Loan
Q 2	Sullivan,Bartholomew B	6	Tenderloin Station	Community Engagement Division HSOC	05/04/19	Extended Loan
Q 2	Whitfield,William R	1045	Bayview Station	Academy SOLO Training	05/04/19	Extended Loan

Miscellaneous

Rank	Name	Star	From	To	Eff. Date	Reason
Q 50	Stansbury,Brian G	43	2387	43	04/30/19	Change of Star Number
Q 2	Scherer,Michael Anthony	402	2486	402	05/04/19	Change of Star Number
9209	Navarro,Rosemarie C	4872	(Remains at)	Mission Station	04/24/19	Name Change

Separation

Rank	Name	Star	From	To	Eff. Date	Reason
Q 60	Banta,Ronald E	2251	Airport Field Operations		04/20/19	Service
Q 2	Abebe,Dawit Dinku	1801	Academy		12/06/18	Resignation
Q 2	Arretche,Daniel David	1802	Academy		02/20/19	Released
Q 2	Doherty,Sean	1419	Tactical Company Mounted Unit		04/24/19	Resignation
Q 2	Hart,Robert L	568	Narcotics		04/20/19	Service

DEPARTMENT OF POLICE ACCOUNTABILITY

BWC AUDIO: OFFICER JOSHUA TUPPER, #4115
DATE: MARCH 07, 2018

DPA CASE NUMBER: 0097-18
POLICE INCIDENT REPORT NO: NOT PROVIDED

[UI] = unintelligible [PH] = phonetic

[IA] = inaudible [TN] = translator's note

[WM] = word mispronounced

ENGLISH / SPANISH	ENGLISH / ENGLISH TRANSLATION
03:36 - 03:52	
OFFICER: Hey, does anyone speak Spanish?	OFFICER: Hey, does anyone speak Spanish?
U MALE: ¡Manos arriba!	U MALE: Hands up!
U MALE: ¡El salir del coche ahorita!	U MALE: Come out of the car right now!
U MALE: ¡Hey manos!	U MALE: Hey the hands!
U MALE: ¡Manos arriba!	U MALE: Hands up!
U MALE: ¡Las manos!	U MALE: Your hands!
FML COP: Do we have a working PA? I'm right behind you.	FML COP: Do we have a working PA? I'm right behind you.
U MALE: Yeah, right here, right here.	U MALE: Yeah, right here, right here.
FML COP: Right behind you.	FML COP: Right behind you.
[FIN DE GRABACIÓN]	**[END OF RECORDING]**

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DISTRICT ATTORNEY

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DEPARTMENT OF POLICE ACCOUNTABILITY

BWC AUDIO: OFFICER MILEN BANEGAS, #963
DATE: MARCH 07, 2018

DPA CASE NUMBER: 0097-18
POLICE INCIDENT REPORT NO: NOT PROVIDED

[UI] = unintelligible [PH] = phonetic

[IA] = inaudible [TN] = translator's note

[WM] = word mispronounced

ENGLISH / SPANISH		ENGLISH / ENGLISH TRANSLATION	
00:53 - 00:54			
COP:	Guarda, guarda su identificación.	COP:	Take, take your identification.
01:10 - 04:15			
U MALE:	Hey, someone wants to speak Spanish. Take over.	U MALE:	Hey, someone wants to speak Spanish. Take over.
COP:	Okay, who we, who we instructing? The guy in the back?	COP:	Okay, who we, who we instructing? The guy in the back?
U MALE:	The guy in the truck, in the truck [VOICE OVERLAP]	U MALE:	The guy in the truck, in the truck [VOICE OVERLAP]
U MALE2:	Abre de la cajuela.	U MALE:	Open the trunk.
COP:	Señor, que estás detrás. Abre la, la cajuela. [BACKGROUND:	COP:	Sir, who is behind the, open the, the trunk. [BACKGROUND:

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DISTRICT ATTORNEY

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		Ey, ey.] Enseña tus manos. Enseña tus manos. Enseña tus manos y abre la cajuela.		Hey, hey.] Show your hands. Show your hands. Show your hands and open the trunk.
U MALE:		Say he will get shot if he doesn't speak to us. [VOICE OVERLAP]	U MALE:	Say he will get shot if he doesn't speak to us. [VOICE OVERLAP]
COP:		Señor, si tú no ensenas tus manos, te vamos echar balazos. Señor, abre la cajuela.	COP:	Sir, if you don't show your hands, we are going to fire at you. Sir, open the trunk.
U MALE:		[VOICE OVERLAP] in the back.	U MALE:	[VOICE OVERLAP] in the back.
COP:		Enseña las dos manos [BACKGROUND: Hey, hey, hey. Don't! Freeze!] Enseña las dos manos. Señor, si no enseñas las dos manos, te vamos a echar balazos.	COP:	Show both hands. [BACKGROUND: Hey, hey, hey. Don't! Freeze!] Snow both hands. Sir, if you don't show both your hands, we are going to fire at you.

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		¿Entiendes? Enseña las dos manos. Enseña la otra mano. Enseña la otra mano.		Understand? Show both hands. Show the other hand. Show the other hand.
	U MALE:	[BACKGROUND: He's got to move. Ey, ey, ey.]	U MALE:	[BACKGROUND: He's got to move. Ey, ey, ey.]
	COP:	Baja, mira, [BACKGROUND: GRITOS. Left Hand.] Ensena la mano izquierda, por favor.	COP:	Get out, look, [BACKGROUND: SCREAMS] Show the left hand, please.
	U MALE:	[BACKGROUND: Red light. Red light. Red light.]	U MALE:	[BACKGROUND: Red light. Red light. Red light.]
	COP:	En, mira. Te vamos, te vamos, te vamos a echar balazos [BACKGROUND: Gritos. Red light. Gritos] [BACKGROUND: One shot heard. Spanish speaking officer. ¡Otra vez las manos!] La otra mano. Enseña	COP:	Uhm, look. We're going to, we're going to, we are going to fire at you [BACKGROUND: SCREAMS. Red light. SCREAMS] [BACKGROUND: One shot heard. Spanish speaking officer. Again, your hands!]

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la otra mano. Te vamos a tirar otro. Enseña la mano izquierda. Enseña la mano izquierda, señor. [BACKGROUND: Fuck--- Shots heard. SCREAMING. HORNS HONKING.] Shots fired. Shots fired. Stop. [BACKGROUND: SCREAMS, CAR HORNS.] Shots fired. Code 33. Shots fired. [BACKGROUND: CAR HORNS, SCREAMING] Mira, mira, ¡enseña las manos, señor! ¡Enseña las manos! ¡Enseña las manos! Las personas que están adentro, manos arriba! ¡Manos arriba, por favor!	The other hand. Show the other hand. We're going to fire at you again. Show your left hand. Show your left hand. [BACKGROUND: Fuck. Shots heard. SCREAMING. HORNS HONKING.] Shots fired. Shots fired. Stop. [BACKGROUND: SCREAMS, CAR HORNS.] Shots fired. Code 33. Shots fired. [BACKGROUND: CAR HORNS, SCREAMING] Look, look, show your hands, sir! Show your hands! Show your hands! The people who are inside, hands up! Your hands up, please! Come, come out of the car with

		Sal, salgan del carro con las manos arriba. Salgan del carro con la manos arriba. Manos arriba por favor. ¡No te mueves sin tener las manos arriba! Manos arriba. Dejas las manos arriba		your hands up. Come out of the car with your hands up! Your hands up, please. Do not move without having your hands up! Hands up! Leave your hands up.
	U MALE:	Get out the driver's side door. Get out the driver's side. Get out the driver's side door!	U MALE:	Get out the driver's side door. Get out the driver's side. Get out the driver's side door!
	COP:	Abre la puerta. Deja las manos arriba. Keep your hands up. Keep your hands up and go ahead and step out of the car if you can. **[4:15]**	COP:	Open the door. Leave your hands up. Keep your hands up. Keep your hands up and go ahead and step out of the car if you can.
		12:25 - 20:25		
	FMALE:	¿Trae identificación?	FML COP:	Do you have

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	identification?
U MALE: Ah . . .	U MALE: Uh . . .
FML COP: ¿Algo con su nombre?	FML COP: Something with your name?
U MALE: Sí, solo mi tarjeta de, de banco traigo.	U MALE: Yes, just my card from, my bank card is what I have.
FML COP: ¿Esta es la única que tiene?	FML COP: This is the only one you have?
U MALE: Sí, la única que tengo.	U MALE: Yes, the only one I have.
FML COP: Okay, está bien.	FML COP: Okay, all right.
U MALE: Esta es la otra que llevo.	U MALE: This is the other one I've got.
FML COP: Okay. Gracias.	FML COP: Okay. Thank you.
U MALE: De nada.	U MALE: You're welcome.
FML COP: Okay. ¿[redacted]?	FML COP: Okay. [redacted]?
U MALE: [redacted]	U MALE: [redacted]
FML COP: [redacted].	FML COP: [redacted].
U MALE: [redacted].	U MALE: [redacted].
FML COP: Oh, con [redacted]	FML COP: Oh, with an [redacted]
U MALE: Sí, sí.	U MALE: Yes, yes.
FML COP: Se mira como [redacted]	FML COP: That looks like an [redacted].
U MALE: Sí m.	U MALE: Yes, m.

FML COP: [redacted].	FML COP: [redacted]
U MALE: Es con, es con, ah, c.	U MALE: It's with, it's with, uh, a c.
FML COP: Mira. Para que lo tengo bien.	FML COP: Look. To make sure I've got it right.
U MALE: Mm-jm. [BACKGROUND: tenía arma . . . I need you guys move back and we're going to walk down the block. Copy?] [POLICE RADIO]	U MALE: Mm-hm. [BACKGROUND: he had a weapon . . . I need you guys move back and we're going to walk down the block. Copy?] [POLICE RADIO]
FML COP: ¿Es [redacted]	FML COP: I's [redacted]
U MALE: Yeah.	U MALE: Yeah.
FML COP: [redacted]	FML COP: [redacted]
U MALE: Sí. [BACKGROUND: block off the 600 block of Capp.]	U MALE: Yes. [BACKGROUND: block off the 600 block of Capp.]
FML COP: [redacted]	FML COP: [redacted]?
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿Y el nombre del medio es con? ¿Es qué? ¿Cómo se llama?	FML COP: And your middle name is with [redacted]? It's what? What is it?
U MALE: [redacted].	U MALE: [redacted].

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FML COP: [redacted].	FML COP: [redacted].
U MALE: Mm-jm. [BACKGROUND: No le veía muy bien porque estaba con la, con la gorra.]	U MALE: Mm-hm. [BACKGROUND: I didn't see him too well because he had, he had a beanie on.]
FML COP: Okay. [BACKGROUND: Sirens.] ¿Su fecha de nacimiento?	FML COP: Okay. [BACKGROUND: Sirens.] Your date of birth?
U MALE: Ah, [redacted]	U MALE: Uh, [redacted]
FML COP: ¿El [redacted]?	FML COP: [redacted]?
U MALE: Sí.	U MALE: Yes.
FML COP: ¿De que año?	FML COP: Of what year?
U MALE: Eh, [redacted].	U MALE: Uh, [redacted].
FML COP: ¿[redacted]?	FML COP: [redacted]?
U MALE: Yeah.	U MALE: Yeah.
FML COP: Gracias. Más o menos, ¿cuál es tu estatura?	FML COP: Thank you. More or less, what is your height?
U MALE: Ah, [redacted]	U MALE: Uh, [redacted]
FML COP: Como ¿qué? ¿[redacted]	FML COP: Like, what? Like [redacted]
U MALE: Yeah. [BACKGROUND: Sí, pero es negro.]	U MALE: Yeah. [BACKGROUND: Yes, but it's black.]

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FML COP: Y más o menos como ¿cuánto pesas?	FML COP: And more or less, what do you weigh?
U MALE: [redacted]	U MALE: [redacted]
FML COP: Eh [redacted]? ¿El pelo?	FML COP: Uh, [redacted] Your hair?
U MALE: Yeah. Yeah.	U MALE: Yeah. Yeah.
FML COP: [redacted]?	FML COP: [redacted]
U MALE: [redacted]	U MALE: [redacted]
FML COP: Okay. ¿Has ido has, al departamento de vehículos a sacar una identificación de este estado?	FML COP: Okay. Have you gone to, to the department of vehicles to take out an identification from this state?
U MALE: No.	U MALE: No.
FML COP: ¿Nunca?	FML COP: Never?
U MALE: No.	U MALE: No.
FML COP: Okay. Y ¿de qué país eres?	FML COP: Okay. And what country are you from?
U MALE: [redacted].	U MALE: [redacted].
FML COP: Okay. ¿Has usado otro nombre?	FML COP: Okay. Have you used another name?
U MALE: No.	U MALE: No.
FML COP: Okay, te voy a regresar el, las	FML COP: Okay, I am going to return your, your

tarjetas. ¿La dirección de dónde vive?	cards. The address of where you live?
U MALE: Aquí vivo, aquí en la [redacted].	U MALE: I live here, here at [redacted].
FML COP: ¿[redacted]?	FML COP: [redacted]?
U MALE: No, [redacted].	U MALE: No, [redacted].
FML COP: Oh.	FML COP: Oh.
U MALE: [redacted]	U MALE: [redacted]
FML COP: [redacted]	FML COP: [redacted]
U MALE: [redacted]	U MALE: [redacted].
FML COP: [redacted] Okay, entonces ¿hay [BACKGROUND: un muchacho] apartamento?	FML COP: [redacted]. Okay so is there [BACKGROUND: a young man.] an apartment?
U MALE: [redacted].	U MALE: [redacted]
FML COP: [redacted]	FML COP: [redacted]?
U MALE: Yeah.	U MALE: Yeah.
FML COP: Okay. La area codigo [redacted]	FML COP: Okay. Area code [redacted]
U MALE: [redacted]	U MALE: [redacted]
FML COP: [redacted]. ¿Traes celular?	FML COP: [redacted]. Do you a cell phone?
U MALE: Sí.	U MALE: Yes.

FML COP: ¿Cuál es el numero?	FML COP: What is the number?
U MALE: Ah, [redacted] [POLICE RADIO] [redacted]	U MALE: Uh, [redacted] [POLICE RADIO] [redacted]
FML COP: [redacted]	FML COP: [redacted]
U MALE: Mm-jm. [redacted]	U MALE: Mm-hm. [redacted]
FML COP: Okay. [POLICE RADIO] ¿Estás trabajando?	FML COP: Okay. [POLICE RADIO] Are you working?
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿La dirección de dónde trabajas?	FML COP: The address of where you work?
U MALE: Ah, trabajo aquí en [redacted] [redacted] [redacted] aquí en la, no sé la dirección. [redacted]	U MALE: Uh, I work here on [redacted] [redacted], here at, I don't know the address. It's [redacted] [redacted]
FML COP: Eh, ¿cómo se llama?	FML COP: Uh, what's it called?
U MALE: Eh, [redacted]	U MALE: Uh, [redacted].
FML COP: [redacted]?	FML COP: [redacted]
U MALE: Yeah. [BACKGROUND: cuando le dio el dinero . . .]	U MALE: Yeah. [BACKGROUND: when he gave him the money . . .]
FML COP: ¿La [redacted]	FML COP: [redacted]
U MALE: Yeah. [BACKGROUND:	U MALE: Yeah. [BACKGROUND: I

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		pensé que él ya se iba a ir, el muchacho con el dinero se iba ir, pero apareció.]		thought that he was going to go, the young man with the money, was going to leave, but he showed up.]
	FML COP:	¿Y sabes, sabes el número de teléfono del trabajo?	FML COP:	And do you know, do you know the telephone number of work?
	U MALE:	Mm, no, no sé.	U MALE:	Mm, no, I don't know.
	FML COP:	Okay, está bien. ¿Y qué es lo que hagas (sic) ahí?	FML COP:	Okay, all right. And what is it that you do there?
	U MALE:	[redacted]	U MALE:	[redacted].
	FML COP:	Okay.	FML COP:	Okay.
	U MALE:	Yeah. [BACKGROUND: so qué pasó? Usted estaba caminando para aquí . . . yo estaba en mi carro.]	U MALE:	Yeah. [BACKGROUND: So what happened? You were walking toward here . . . I was in my car.]
	FML COP:	Okay. Okay.	FML COP:	Okay. Okay.

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	[BACKGROUND: pero él ya había pasado.] Okay, entonces, si quieres venir aquí. Explícame a donde estabas.		[BACKGROUND: but he had already gone by.] Okay, so then, if you want to come over. Explain to me where you were.
U MALE:	No sé. Yo venía, yo venía--	U MALE:	I don't know. I was coming, I was coming--
FML COP:	--antes que todo empezó [VOCES TRASLAPAN]	FML COP:	--before everything started [VOICE OVERLAP]
U MALE:	como la, yo venía caminando. Yo vine aquí	U MALE:	like the, I was walking along. I came over here.
FML COP:	¿Tú estabas aquí en esta calle?	FML COP:	You were here on this street?
U MALE:	Venía para aquí. Y, y--	U MALE:	I was coming over here. And, and--
FML COP:	¿Entonces estabas aquí en la 21?	FML COP:	So then you were here on 21st?
U MALE:	Sí. Yeah, aquí en la 21. Vine--	U MALE:	Yes. Yeah, here on 21st. I came--
FML COP:	¿Estabas caminando en	FML COP:	Were you walking on

este lado de la cerra?	this side of the sidewalk?
U MALE: Sí, venía, yeah.	U MALE: Yes, coming along, yeah.
FML COP: ¿De	FML COP: From
U MALE: Sí, venía	U MALE: Yes, I was coming.
FML COP: --esa calle de Mission?	FML COP: --that street, Mission?
U MALE: Sí, venía	U MALE: Yes, I was coming.
FML COP: --aquí a Capp?	FML COP: --here to Capp?
U MALE: Yeah.	U MALE: Yeah.
FML COP: Okay.	FML COP: Okay.
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿Y qué pasó?	FML COP: And what happened?
U MALE: Y, no, yo vine aquí	U MALE: And, no, I came here.
FML COP: Es, es	FML COP: It's, it's.
U MALE: y me, me paré.	U MALE: and I, I stopped.
FML COP: --excusa un momento. Alguien me llama. [POLICE RADIO] This is officer Benegas. Yes. Yes. [POLICE RADIO] Okay, uhm, it, okay, it sounds like	FML COP: --excuse me one moment. Someone's calling me. [POLICE RADIO] This is officer Benegas. Yes. Yes. [POLICE RADIO] Okay, uhm, it, okay,

this is a robbery, or an attempt robbery, uhm, the unit, the primary unit, was flagged down by the victim who had, who had a gun, uhm, brandished at him. And, uhm, the, the primary unit stopped the vehicle that it sounds like the victim pointed out. [BACKGROUND: give me one second.] There was, there was a guy in the trunk of the car that had the, the trunk like, ajar. They were giving him commands to show his hands. He was hold, he was like, uhm, you know, his legs were	it sounds like this is a robbery, or an attempt robbery, uhm, the unit, the primary unit, was flagged down by the victim who had, who had a gun, uhm, brandished at him. And, uhm, the, the primary unit stopped the vehicle that it sounds like the victim pointed out. [BACKGROUND: give me one second.] There was, there was a guy in the trunk of the car that had the, the trunk like, ajar. They were giving him commands to show his hands. He was hold, he was like, uhm, you know, his legs were

kind of hanging out of the trunk and his body was in the trunk. And his head, his head and his right arm can be seen, but he wouldn't show his left hand. So, uhm, there was less lethal deployed. And then he said something to, I, I couldn't remember exactly what he said. But he yelled something and like he lifted that left hand and, uhm, and then it was shots fired. I was giving commands, uh, verbally in Spanish cause he wasn't responding and, uhm, then I gave	kind of hanging out of the trunk and his body was in the trunk. And his head, his head and his right arm can be seen, but he wouldn't show his left hand. So, uhm, there was less lethal deployed. And then he said something to, I, I couldn't remember exactly what he said. But he yelled something and like he lifted that left hand and, uhm, and then it was shots fired. I was giving commands, uh, verbally in Spanish cause he wasn't responding and, uhm, then I gave

		commands in English as well. Cause I guess the girl, there was a girl in the car that, uhm, that said she couldn't work, like, she couldn't walk, sorry. Sorry, I'm listening to the radio and I'm trying to [POLICE RADIO] It sounds like no officers are hurt, but I don't want to speak for anybody. Yeah, I don't want to speak for anybody. I just, yeah. **[20:25]**		commands in English as well. Cause I guess the girl, there was a girl in the car that, uhm, that said she couldn't work, like, she couldn't walk, sorry. Sorry, I'm listening to the radio and I'm trying to [POLICE RADIO] It sounds like no officers are hurt, but I don't want to speak for anybody. Yeah, I don't want to speak for anybody. I just, yeah. **[20:25]**
	21:30 - 28:42			
	FML COP:	Disculpa. Este, entonces voy a, voy a retrasar, empezar en principio, para que estoy de acuerdo de	FML COP:	I'm sorry. Uhm, so then I'm going to, going to go back, I will go back to the beginning, so that I

		lo que me has dicho, ¿okay?		will be in agreement with what you've told me, okay?
U MALE:		Yeah.	U MALE:	Yeah.
FML COP:		Me estás diciendo que estabas caminando aquí en la 21.	FML COP:	You are telling me that you were walking here on 21st.
U MALE:		Sí, yo venía acá, ajá.	U MALE:	Yes, I was coming here, aha.
FML COP:		Aquí a, a	FML COP:	Here to, to
U MALE:		Sí, yo	U MALE:	Yes, I
FML COP:		--Capp Street?	FML COP:	--Capp Street?
U MALE:		Yo, es que yo vivo aquí.	U MALE:	I, you see, I live here.
FML COP:	[redacted]	?	FML COP:	[redacted] ?
U MALE:	[redacted]		U MALE:	[redacted] .
FML COP:	[redacted]	.	FML COP:	[redacted] .
U MALE:	[redacted]		U MALE:	[redacted]
FML COP:		Okay, estabas caminando.	FML COP:	Okay, you were walking.
U MALE:		Yo caminaba, es que pasaban los carros,	U MALE:	I was walking and the cars were passing by,

		pues yo, cómo se llama, vi, vi a que pasaba el carro por medio para pasarme yo. Yo vi que él--		so I began to, what do you call it, I looked, I looked for the cars to pass by so I could go. I saw that he--
	FML COP:	¿Entonces a dónde tú estabas?	FML COP:	So then where were you?
	U MALE:	Vi él que pasó aquí. Nomás que yo estaba parado allí. Él pasó primero y me quedó viendo, pero	U MALE:	I saw that he passed by here. It's just that I was standing there. He passed by there and he kept looking at me, but
	FML COP:	Okay, tú estabas caminando	FML COP:	Okay, you were walking
	U MALE:	mirando a mi.	U MALE:	looking at me.
	FML COP:	--pero paraste aquí?	FML COP:	--but you stopped here
	U MALE:	--paré	U MALE:	I stopped.
	FML COP:	--para cruzar?	FML COP:	--to cross?
	U MALE:	--o sea, sí, para que pasaran los carros. Pasaron los carros y	U MALE:	--I mean, yes, until the cars passed by. The cars passed by

		yo me fui.		and then I left.
FML COP:		Oh, ¿tú parastes [VOCES TRASLAPAN] porque los carros estaban pasando?	FML COP:	Oh, you stopped [VOICE OVERLAP] because the cars were passing by?
U MALE:		Sí, se pasaran [VOCES TRASLAPAN] esperé cuando llegó el tiempo, pasé, yo pasé. Y él, yo vi que él estaba aquí, se adelantó, me quedó viendo, pero se fue.	U MALE:	Yes, for them to pass by [VOICE OVERLAP] I waited for the right moment and I crossed, I crossed. And he, I saw that he was here, he moved forward, he kept looking at me, but he left.
FML COP:		¿Él se	FML COP:	He
U MALE:		Y siguió mira--	U MALE:	And he kept look--
FML COP:		¿Él estaba en frente de ti?	FML COP:	He was in front of you?
U MALE:		No, sí. Iba, iba en frente de mi.	U MALE:	No, yes. He was, he was in front of me.
FML COP:		Mm-jm.	FML COP:	Mm-hm.
U MALE:		Y que yo, ah, yo pues me iba para atrás. Me iba pa' allá cuando	U MALE:	And that I, uh, so then I moved backwards. I was

él regresó.	going over there when he came back.
FML COP: ¿A dónde?	FML COP: To where?
U MALE: Yo me iba para allá.	U MALE: I was going over there.
FML COP: Okay, tú estabas	FML COP: Okay, you were
U MALE: Ya	U MALE: Yeah
FML COP: como	FML COP: like
U MALE: --donde esta las, las, ah--	U MALE: --where the, where the, uh--
FML COP: ¿Las sillas?	FML COP: The chairs?
U MALE: Sí, donde están las sillas	U MALE: Yes, where the chairs are.
FML COP: ¿La silla azul?	FML COP: The blue chair?
U MALE: Sí, yeah.	U MALE: Yes, yeah.
FML COP: Okay.	FML COP: Okay.
U MALE: Yo iba--	U MALE: I was going--
FML COP: Estabas ahí	FML COP: You were there.
U MALE: Sí, yo estaba ahí	U MALE: Yes, I was there
FML COP: ¿caminando?	FML COP: --walking?
U MALE: --caminando cuando vi que él regresó.	U MALE: --walking when I saw that he had come back.
FML COP: ¿Él regresó?	FML COP: He came back?

U MALE: Sí, él l regresó por mi.	U MALE: Yes, he came back for me.
FML COP: Okay.	FML COP: Okay.
U MALE: Yo pensé que él iba a pasarse y me, que me apuntó así, que ya yo me moví, me eché pa' atrás.	U MALE: I thought that he was going to pass by when he, but he pointed at me like this, then I moved, I moved back.
FML COP: Okay, entonces	FML COP: Okay, so then
U MALE: Mm-jm.	U MALE: Mm-hm.
FML COP: --estabas parado?	FML COP: --you were standing?
U MALE: Yeah.	U MALE: Yeah.
FML COP: --donde están las sillas?	FML COP: --where the chairs are?
U MALE: Sí.	U MALE: Yes.
FML COP: Él . . .	FML COP: He . . .
U MALE: Regresó.	U MALE: came back.
FML COP: --regresó.	FML COP: --came back.
U MALE: Sí, o sea, iba pa allá por donde [VOCES TRASLAPAN]	U MALE: Yes, I mean, he was going over there where the [VOICE OVERLAP]
FML COP: --y te apuntó?	FML COP: --and he pointed it at you?

U MALE: Sí, me apuntó con la	U MALE: Yes, he pointed at me with the
FML COP: --la, una arma?	FML COP: --the, a weapon?
U MALE: Sí, con la arma y	U MALE: Yes, with the weapon and
FML COP: ¿O navaja?	FML COP: Or with a knife?
U MALE: Es arma que llevaba.	U MALE: It's a weapon he had.
FML COP: ¿Tú viste que fue arma?	FML COP: You saw that it was a weapon?
U MALE: Sí, es arma.	U MALE: Yes, a weapon.
FML COP: Okay. ¿En qué mano tuvo la arma?	FML COP: Okay. What hand was the weapon in?
U MALE: Él, como él tenía aquí en esta mano, como la [VOCES TRASLAPAN]	U MALE: He, like he had it here in this hand, like the [VOICE OVERLAP]
FML COP: ¿En la derecha?	FML COP: In the right?
U MALE: Sí, la mano derecha, la sacó así.	U MALE: Yes, the right hand, he took it out like this.
FML COP: Okay.	FML COP: Okay.
U MALE: Yeah.	U MALE: Yeah.
FML COP: Entonces fue en la mano derecha.	FML COP: So then it was in the right hand?

U MALE: Yeah. Sí.	U MALE: Yeah. Yes.
FML COP: ¿Qué color fue la arma?	FML COP: What color was the weapon?
U MALE: Es como azul, azul gris se ve, gris.	U MALE: It's like blue, blue gray it looked, gray.
FML COP: ¿Gris?	FML COP: Gray?
U MALE: Sí.	U MALE: Yes.
FML COP: Okay. ¿Entonces lo apuntó?	FML COP: Okay. So then he pointed it?
U MALE: Sí, entonces, pidió, me hice [VOCES TRASLAPAN]	U MALE: Yes, so then, he asked for, I went [VOICE OVERLAP]
FML COP: ¿Te tocó?	FML COP: Did he touch you?
U MALE: Sí, sí me tocó y yo me hice atrás así [VOCES TRASLAPAN] "ey, no te muevas," así.	U MALE: Yes, he touched me and I went back like this [VOICE OVERLAP] "hey, don't move back," like that.
FML COP: Okay. Entonces, él puso la arma	FML COP: Okay. So then he placed the weapon
U MALE: Sí.	U MALE: Yes.
FML COP: --¿En tu pecho?	FML COP: --on your chest?
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿O en Tu estomago?	FML COP: Or against your

	stomach?
U MALE: Aquí me puso	U MALE: He put it here.
FML COP: ¿O dónde?	FML COP: Or where?
U MALE: Aquí.	U MALE: Here.
FML COP: ¿Aquí?	FML COP: Here?
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿Allí?	FML COP: There?
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿Te tocó con la arma?	FML COP: Did he touch you with the weapon?
U MALE: Ajá, sí.	U MALE: Aha, yes.
FML COP: Entonces, ¿te estaba diciendo algo en ese momento?	FML COP: So then, was he saying something to you at that moment?
U MALE: Sí, dice, me dijo, que dame toda la feria, para dónde vas? Y yo no llevo feria le digo. Saqué mi cartera. "No, es que dame toda la cartera." No, le dije.	U MALE: Yes, he says, he says to me, give me all your cash, where are you going? But I'm not carrying any cash, I say. I took out my wallet. "No, give me your entire wallet." No, I said.
FML COP: ¿Tú, tú le ensenaste	FML COP: You, you showed

U MALE: Yeah.	U MALE: Yeah.
FML COP: --la cartera?	FML COP: --the wallet?
U MALE: Si no tengo dine-- ¡ah! ¿quieres, te quieres que te eche un plomazo? dijo. Y le dije que no. Okay, vio me feria, que le diera el dinero y que yo le di. Pidió mi tele, me enseña los, los papeles le dije yo.	U MALE: But I don't have any mon-- Uh! "Do you want, do you want me to pump some lead into you?" he says to me. And I told him no. Okay, he saw my cash, he wanted me to give him the money and I gave it to him. He asked me for my phone. Show me the, the papers I said to him.
FML COP: Okay.	FML COP: Okay.
U MALE: Y entonces se corrió.	U MALE: And then he ran off.
FML COP: Entonces, entonces tú, tú teniste	FML COP: So then, so then you, you had
U MALE: Yo	U MALE: I
FML COP: --la billetera	FML COP: --your wallet.
U MALE: Sí.	U MALE: Yes.
FML COP: --a dónde?	FML COP: --where?

U MALE: Aquí la tenía yo.	U MALE: Here's where I had it.
FML COP: ¿Aquí lo teniste? él nunca agarró la billetera?	FML COP: Here's where you had it? He never took the wallet?
U MALE: No, no, me puso.	U MALE: No, no, he put.
FML COP: ¿Tú la sacaste?	FML COP: You took it out?
U MALE: Sí, yo la saqué.	U MALE: Yes, I took it out.
FML COP: Entonces él	FML COP: So then he
U MALE: Yeah.	U MALE: Yeah.
FML COP: --se quedó con la	FML COP: --stayed with the
U MALE: se	U MALE: he
FML COP: --arma--	FML COP: --weapon--
U MALE: Ajá.	U MALE: Aha.
FML COP: --en tu pecho?	FML COP: --against your chest?
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿Tú sacaste--	FML COP: You took out the--
U MALE: Sí, yo saqué mi cartera?	U MALE: Yes, I took out my wallet.
FML COP: --tu billetera?	FML COP: --your wallet?
U MALE: Yeah.	U MALE: Yeah.
FML COP: Y él todavía	FML COP: And he still
U MALE: Ajá.	U MALE: Aha.
FML COP: --con la arma	FML COP: --with the weapon.

U MALE: Ajá, sí, sí.	U MALE: Aha, yes, yes.
FML COP: Y le enseñaste que	FML COP: And you showed him that
U MALE: Sí.	U MALE: Yes.
FML COP: --no tenía dinero?	FML COP: --you didn't have money?
U MALE: Sí. Yo tenía dinero. Yo tenía dinero y yo lo saqué así, pero como me asusté. Yo tenía dinero, lo saqué, le di a él.	U MALE: Yes. I had money. I had money and took it out like this, but I like got scared. I had money, I took it out, I gave it to him.
FML COP: O se, ¿tú le diste--	FML COP: Oh, you, you gave him--
U MALE: Sí, yes.	U MALE: Yes.
FML COP: --cuánto dinero?	FML COP: --how much money?
U MALE: Como 70 0 80 dólares.	U MALE: Like 70 or 80 dollars.
FML COP: ¿Cuánto?	FML COP: How much?
U MALE: 70	U MALE: 70
FML COP: Porque vamos a revisar si él tiene ese dinero.	FML COP: Because we're are going to check if he's got that money.

U MALE: A ver.	U MALE: Let's see.
FML COP: ¿Cuánto, cuánto teniste?	FML COP: How much, how much did you have?
U MALE: Como unos 50, 60 dólares llevaba, sí.	U MALE: Like maybe 50, 60 dollars is what I had, yes.
FML COP: ¿Cuál?	FML COP: Which?
U MALE: ¿Ja?	U MALE: Huh?
FML COP: ¿50 o 60?	FML COP: 50 or 60?
U MALE: Ahm, 60. 60.	U MALE: Uhm, 60. 60.
FML COP: ¿Fue [AL LADO: yes.] fue, fue, cuáles billeteras? ¿Fue un 20, fue un 10?	FML COP: It was [ASIDE: yes.] it was, it was, what bills? Was it a 20, was it a ten?
U MALE: Di a 20s y dollars, o sea, 10 así.	U MALE: I gave twenties and dollars, I mean, like a ten.
FML COP: ¿Cuál? ¿Cuántas?	FML COP: Which? How many?
U MALE: Tenía dos, tres a veinte tenía.	U MALE: I had two, three twenties is what I had.
FML COP: ¿Teniste dos?	FML COP: You had two?
U MALE: Dos	U MALE: Two.
FML COP: ¿Veintes?	FML COP: Twenties?

U MALE: Dos, dos de 20 y unos dólares así.	U MALE: Two, two twenties and like some bills.
FML COP: Okay. ¿Dos de 20 y un, uno o dos de 10?	FML COP: Okay. Two twenties and one, one or two tens?
U MALE: Ajá.	U MALE: Aha.
FML COP: ¿O qué?	FML COP: Or what?
U MALE: Igual, 10.	U MALE: Same, a ten.
FML COP: Dime.	FML COP: Tell me.
U MALE: Uno de diez y unos dólares tenía.	U MALE: One ten and some ones, I had.
FML COP: Uno diez, okay. Son 50.	FML COP: One ten, okay. That's 50.
U MALE: Yeah.	U MALE: Yeah.
FML COP: ¿Y cuantas, cuántas, ah,	FML COP: And how many, how many, uh,
U MALE: Dólares. Como unos	U MALE: Dollars? Like maybe
FML COP: --unos dólares.	FML COP: --some dollar bills.
U MALE: --tres, cuatro dólares tenía, no tenía contado. Yo solo los IA.	U MALE: --three, four dollars bills is what I had, I hadn't counted those. I had only IA.
FML COP: ¿Cómo cuatro?	FML COP: Like four?
U MALE: Yeah.	U MALE: Yeah.

FML COP: Okay. Cuatro de unos. Entonces, total fue cincenti, cincuenticuatro?	FML COP: Okay. Four dollar bills. So then, so in total it was fif, fifty-four?
U MALE: Mm, por hay.	U MALE: Mm, around there.
FML COP: ¿Dólares?	FML COP: Dollars?
U MALE: Sí.	U MALE: Yes.
FML COP: Okay. Y tú, tú lo sacastes de la billetera--	FML COP: Okay. And you, you took it out of your wallet?
U MALE: Sí, yo lo saqué porque	U MALE: Yes, I took it out because
FML COP: --y se lo distes a él?	FML COP: --and you gave it to him.
U MALE: Y él los que, se quedó	U MALE: And he, he just remained--
FML COP: --y él todavía con la arma?	FML COP: --and he was still with the weapon?
U MALE: Sí.	U MALE: Yes.
FML COP: ¿En tu pecho?	FML COP: Against your chest?
U MALE: Si me agarro con eso.	U MALE: Yes, he held me with that.
FML COP: ¿Entonces con la mano izquierda?	FML COP: So then with the left hand?

U MALE:	Sí, yeah, él me agarró y	U MALE:	Yes, yeah, he had a hold of me and
FML COP:	¿Él agarro y el, el dinero?	FML COP:	He grabbed you and the, the money?
U MALE:	Si, entonces me metió así y se vino corriendo.	U MALE:	Yes, so then he placed it on me like this and then he took off running.
FML COP:	¿Él solo metió a dónde?	FML COP:	He only placed it where?
U MALE:	No, solo lo agarró así, sí, así lo hizo, sí, ya, como se viene caminando y venía la policía y	U MALE:	No, he just grabbed it like this, yes, he did it like this, yes, yeah, like he was walking along and the policer were coming and
FML COP:	Cuan, cuando, mira, si esto es la, si esta es la arma, ¿verdad?	FML COP:	When, when, look, if this is the, if this is the weapon, right?
U MALE:	Yeah.	U MALE:	Yeah.
FML COP:	Él agarró el dinero con el	FML COP:	He grabbed the money with the

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U MALE: Sí.	U MALE: Yes.
FML COP: --con la mano izquierda?	FML COP: --with his left hand?
U MALE: --con la izquierda porque tenía	U MALE: --with the left one because he had
FML COP: Okay. ¿Y, y lo puso en la chaqueta?	FML COP: Okay. And, and he put it against your jacket?
U MALE: Sí, sí, la puso así.	U MALE: Yes, yes, he did this with it.
FML COP: ¿O, o en el pantalón?	FML COP: O, or, on your pants?
U MALE: No, fue así	U MALE: No, it was like this.
FML COP: ¿Te fijaste?	FML COP: Did you notice?
U MALE: Él puso así.	U MALE: He placed it like this.
FML COP: ¿Así?	FML COP: Like this?
U MALE: Así.	U MALE: Like this.
FML COP: ¿La arma también?	FML COP: The weapon as well?
U MALE: Ajá, yeah.	U MALE: Aha, yeah.
FML COP: ¿Y después qué pasó?	FML COP: And then what happened?
U MALE: Se vino él y	U MALE: He came and
FML COP: ¿Se vino aquí?	FML COP: He came here?
U MALE: Se vino aquí. Como	U MALE: He came here. Since

		vio el carro que, el que venía la policía y este, este gritó, entonces se fue corriendo irse para el carro y yo me quedé ahí.		he saw that the car coming was the police and that this one, this one screamed, he, he took off running to the car, and I stayed put.
	FML COP:	¿Tu viste que el carro estaba estacionado?	FML COP:	Did you see if the car was parked?
	U MALE:	Yo vi que estaba acá, pues yo vi que se metió así, hasta ahora no lo vi el carro estaba--	U MALE:	I saw that it was here, and well, I saw that he jumped into it, but I never saw if the car was--
	FML COP:	¿Viste que él se subió al carro?	FML COP:	Did you see him jump into the car?
	U MALE:	No, no, no lo vi. Solo vi que se voló así, pero no se sentó en el carro. Es lo único que lo vi.	U MALE:	No, no, I didn't see him. I just saw that he went flying like so, but he didn't sit in the car. It is all that I saw.
	FML COP:	Okay, mira	FML COP:	Okay, look

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U MALE: ¿Eh?	U MALE: Huh?
FML COP: ¿Tú estabas allí?	FML COP: Were you there?
U MALE: Yeah.	U MALE: Yeah.
FML COP: Cuando vistes los oficiales--	FML COP: When you saw the officers--
U MALE: Mm-jm.	U MALE: Mm-hm.
FML COP: ¿a dónde estabas?	FML COP: --where were you?
U MALE: Yo estaba ahí, en ese [VOCES TRASLAPAN]	U MALE: I was there, in that [VOICE OVERLAP]
FML COP: ¿Todavía en esa esquina?	FML COP: Still on that corner?
U MALE: Sí. Ahí estuve.	U MALE: Yes. I was there.
FML COP: ¿Y vistes a los oficiales que venían?	FML COP: And you saw the officers who were coming?
U MALE: Sí, él venía	U MALE: Yes, he was coming already.
FML COP: ¿Por aquí?	FML COP: Around here?
U MALE: Sí, venía aquí.	U MALE: Yes, they were coming here.
FML COP: ¿Y tu saliste?	FML COP: And you came out?
U MALE: Y yo venía, como este gritó, no, es que ahí está la policía aquí.	U MALE: And I was coming, but since this one here screamed out, "no,

		Él vio		the police are here." He saw
FML COP:	Y		FML COP:	And
U MALE:	como se fue el arma y entonces se vino él aquí y poooon,		U MALE:	--how the weapon was and then he came here and boooom.
FML COP:	Él		FML COP:	He
U MALE:	--se metió		U MALE:	--he got into
FML COP:	Pero no--		FML COP:	But no--
U MALE:	Yeah.		U MALE:	Yeah.
FML COP:	--Yo te estoy preguntando a ti. Si tú le estabas seña, señalando a, a los oficiales		FML COP:	--I am asking you. If you were sig, signaling to the, the officers.
U MALE:	Mm-jm.		U MALE:	Mm-hm.
FML COP:	--o fue tu amigo?		FML COP:	--or if it was your friend?
U MALE:	Él, él, entonces		U MALE:	Him, him, so then
FML COP:	¿Tú amigo?		FML COP:	Your friend?
U MALE:	Sí, porque él vio así, que, que todo empezó así.		U MALE:	Yes, because he saw like, that, that everything started like this.

FML COP:	Okay. Entonces ¿te quitó algo más?	FML COP:	Okay. So then did he remove anything else?
U MALE:	No, solo--	U MALE:	No, just--
FML COP:	Solamente dinero de la billetera?	FML COP:	Just money from your wallet?
U MALE:	Solamente	U MALE:	Just
FML COP:	Que tú le distes.	FML COP:	That you gave to him.
U MALE:	Sí, yo le di a él.	U MALE:	Yes, I gave to him.
FML COP:	¿Y te estaba diciendo dame la, la feria?	FML COP:	And was he saying to you, give me the, the cash?
U MALE:	Dame la feria y dame el teléfono y dije yo de que no, y yo me hice a otro lado así. Pero como él que vio que llegó la policía o no sé, y se quedó pero ya después yo me moví. [VOCES TRASLAPAN]	U MALE:	Give me the cash and give me the telephone and I told him, no, and I went off to the side like this. But since he saw that the police showed up or I don't know, and he stayed put, but then afterwards I moved. [VOICE OVERLAP]
FML COP:	¿Él se fue corriendo por aquí?	FML COP:	Did he take off running along here?

U MALE:	Se vino corriendo pa' acá y	U MALE:	He came running over here and
FML COP:	Okay, él fue corriendo por aquí	FML COP:	Okay, he went running along here
U MALE:	Ajá.	U MALE:	Aha.
FML COP:	Y de dónde te, ¿a donde viste que ya no teniste la vista de	FML COP:	And from where did, where did you see that you no longer had sight of
U MALE:	Vi que, poooom, se fue así y ya.	U MALE:	I saw that, boooom, he took off like that and that was it.
FML COP:	¿Viste que él entró en medio de los carros?	FML COP:	Did you see that he went running into the middle of the cars?
U MALE:	Sí, vi que entró en medio de los carros yo.	U MALE:	Yes, I saw that he had gone into the middle of the cars.
FML COP:	?Pero no viste que él se subió	FML COP:	But you didn't see him climb into
U MALE:	No, no, no lo vi	U MALE:	No, no, I didn't see him
FML COP:	al carro que los oficiales se pararon?	FML COP:	--the car that the officers had stopped?

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U MALE: No	U MALE: No.
FML COP: Okay.	FML COP: Okay.
U MALE: Yeah.	U MALE: Yeah.
FML COP: Okay. Está bien.	FML COP: Okay.
U MALE: Yeah.	U MALE: Yeah.
FML COP: Está bien. Este, dame un momento. Voy a escribir unas notas	FML COP: All right. Uhm, give me one moment. I'm going to write some notes.
U MALE: Ajá.	U MALE: Aha.
FML COP: Te voy a decir otra vez, ahm, de lo que yo entiendo me has dicho y si es algo diferente, dígame, okay?	FML COP: I'm going to tell you one more time, uhm, what I understand what you've told me, and if it's something different, tell me, okay?
U MALE: Yeah.	U MALE: Yeah.
FML COP: Un momento. **[28:42]**	FML COP: One moment.
37:27 - 41:27	
FML COP: Okay, entonces voy a, ahm, voy a decirle lo que me explicaste, este, si es algo	FML COP: Okay, so then, I'm going to, uhm, I'm going to tell you what you've explained

		diferente, eh, nomás dígame, okay? Me dijistes que estabas caminando por el Nor, Norte. Esta es la área Norte.		to me, uhm, if it's something different, uh, just tell me, okay? You told me that you were walking North. This is the North side.
	U MALE:	Yeah.	U MALE:	Yeah.
	FML COP:	En la calle de Capp, de este lado de la calle.	FML COP:	On Capp Street, on this side of the street.
	U MALE:	Mm-jm.	U MALE:	Mm-hm.
	FML COP:	Cruzaste cuando, cuando estabas en este lado viste, ahm, la persona que me estabas diciendo.	FML COP:	You crossed when, when you were on this side you saw, uhm, the person you were telling me about.
	U MALE:	Sí.	U MALE:	Yes.
	FML COP:	Que él estaba caminando recio	FML COP:	That he was walking fast.
	U MALE:	Sí.	U MALE:	Yes.
	FML COP:	--en frente de ti.	FML COP:	--in front of you.
	U MALE:	No, yo venia aquí.	U MALE:	No, I was coming along here.

FML COP: Pero él te estaba mirando.	FML COP: --but he was looking at you.
U MALE: Sí me quedó viendo pero	U MALE: Yes, he kept looking at me
FML COP: Así te quedó	FML COP: That's what he kept doing.
U MALE: Sí.	U MALE: Yes.
FML COP: Te	FML COP: He
U MALE: Yeah. Solo me vio así.	U MALE: Yeah. He was just looking at me.
FML COP: --así te dio vuelta	FML COP: --and then he turned around.
U MALE: Se escapó	U MALE: He took off.
FML COP: Y	FML COP: And
U MALE: Se, se fue y vi, vio como pasara los carros y yo me fui también y ya cuando yo llegué ahí que me regresó y ahí es donde me--	U MALE: He, he took off, he looked, he looked for the cars to pass and I took off as well and, finally, when I got there is when he came back and that's where he--
FML COP: Entonces él también esperó aquí para los	FML COP: So then he also waited here for the

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carros	cars
U MALE: Sí.	U MALE: Yes.
FML COP: --que pasaron.	FML COP: --to pass by.
U MALE: Sí, pero él pasó primero.	U MALE: Yes, but he crossed first.
FML COP: ¿Él pasó primero?	FML COP: He crossed first?
U MALE: Sí.	U MALE: Yes.
FML COP: Entonces, cuando estaban en el otro lado	FML COP: So then, when you were on the other side
U MALE: Ajá.	U MALE: Aha.
FML COP: Este, ¿tú estabas como así como donde está el primer carro?	FML COP: Uhm, you were like around, like where the first car is?
U MALE: Sí.	U MALE: Yes.
FML COP: ¿Verdad? ¿Dónde están los asientos	FML COP: Right? Where the seats are
U MALE: Yeah.	U MALE: Yeah.
FML COP: --azul?	FML COP: --the blue ones?
U MALE: Ajá.	U MALE: Aha.
FML COP: Él regresó.	FML COP: He came back.
U MALE: Sí regresó.	U MALE: Yes, he came back.
FML COP: Y cara a cara	FML COP: And face to face
U MALE: Ajá.	U MALE: Aha.

FML COP: --sacó.	FML COP: --he took out
U MALE: Sí.	U MALE: Yes.
FML COP: Este, ¿la arma?	FML COP: Uhm, the weapon?
U MALE: Sí.	U MALE: Yes.
FML COP: --aquí de la chaqueta	FML COP: --here on your jacket
U MALE: Mm-jm.	U MALE: Mm-hm.
FML COP: --en frente, la, con la mano derecha	FML COP: --in the front, the, with the right hand.
U MALE: Sí.	U MALE: Yes.
FML COP: Te lo puso.	FML COP: He placed it on you.
U MALE: Ajá.	U MALE: Aha
FML COP: --aquí en el pecho?	FML COP: --here on the chest?
U MALE: Yeah.	U MALE: Yeah.
FML COP: Y te dice, "dame todo tu feria."	FML COP: And he says to you, "give me all your cash."
U MALE: Dame toda la feria, me dice.	U MALE: Give me all your cash, he says.
FML COP: La feria?	FML COP: The cash?
U MALE: Sí.	U MALE: Yes.
FML COP: Y tú, tú así	FML COP: And you, you, like this
U MALE: Yo me hice, yo pa atrás, no te mueva me	U MALE: I went, I went backwards, don't move

		dice [VOCES TRASLAPAN]		he says to me. [VOICE OVERLAP]
FML COP:	¿Tú, tú te hicistes para atrás?	FML COP:	You, you moved backwards?
U MALE:	Sí.	U MALE:	Yes.
FML COP:	Y él te dice, "no te mueva."	FML COP:	And he says to you, "don't move."
U MALE:	No te muevas porque te [VOCES TRASLAPAN] asi.	U MALE:	Don't move because I'm going to [VOICE OVERLAP]
FML COP:	¿Y te sigue?	FML COP:	And he follows you?
U MALE:	Sí, sí, me sigue.	U MALE:	Yes, yes, he follows me.
FML COP:	Te sigue.	FML COP:	He follows you.
U MALE:	Ajá.	U MALE:	Aha.
FML COP:	Te sigue	FML COP:	He follows you.
U MALE:	Ajá. Yeah.	U MALE:	Aha. Yeah.
FML COP:	punando con la arma?	FML COP:	pointed at you with the weapon?
U MALE:	Yeah.	U MALE:	Yeah.
FML COP:	Y te dijo que te iba a	FML COP:	And he said he was going to
U MALE:	Sí.	U MALE:	Yes.
FML COP:	--a, a echar	FML COP:	--to, to put

U MALE: O sea, me iba a disparar.	U MALE: I mean, he was going to fire at me.
FML COP: ¿Te iba a disparar?	FML COP: He was going to fire at you?
U MALE: Sí.	U MALE: Yes.
FML COP: Y te lo estaba diciendo en español. Después tú sacaste tu billetera con, usando tu mano derecha?	FML COP: And he was saying it to you in Spanish. Then you took out your wallet with, using your right hand?
U MALE: Sí.	U MALE: Yes.
FML COP: Estaba aquí atrás	FML COP: It was back here
U MALE: la tengo	U MALE: I've got it.
FML COP: --en el bolsillo de atrás.	FML COP: --in your back pocket.
U MALE: Sí.	U MALE: Yes.
FML COP: en el lado derecha. Lo sacaste. Le diste	FML COP: --on the right side. You took it out. You gave it to him.
U MALE: Sí le di el dinero.	U MALE: Yes, I gave him the money.
FML COP: todo el dinero	FML COP: all the money.
U MALE: Sí.	U MALE: Yes.

FML COP: --que tuviste.	FML COP: --that you had.
U MALE: Yo solo este, yo le di este	U MALE: I only, uhm, I gave him this
FML COP: Y, y fue dos veintes, uno diez.	FML COP: And, and it was two twenties and one ten.
U MALE: Ajá.	U MALE: Aha.
FML COP: y cuatro, eh, unos.	FML COP: and four, uh, ones.
U MALE: Dos, sí, yeah.	U MALE: Two, yes, yeah.
FML COP: ¿Total de 54 dolares?	FML COP: Total of 54 dollars.
U MALE: Mm-jm.	U MALE: Mm-hm.
FML COP: Se lo diste. Él, él lo agarró.	FML COP: You gave it to him. He, he took it.
U MALE: Mm.	U MALE: Mm.
FML COP: Lo puso aquí.	FML COP: He placed it here.
U MALE: Yeah.	U MALE: Yeah.
FML COP: Ah, en la chaqueta en frente con la mano izquierda. La arma con la mano derecha. Y siguió	FML COP: Uh, in front of your jacket with the left hand. The weapon with the right hand. And he continued
U MALE: Se vino acá.	U MALE: He came this way.
FML COP: --por acá.	FML COP: --this way.
U MALE: Yeah.	U MALE: Yeah.
FML COP: Ya dejaste de, de	FML COP: You could no longer,

vista porque él, no sabes dónde fui, tú no sabes donde él fue.	no longer see him because he, you don't know where he went, you don't know where he went.
U MALE: No.	U MALE: No.
FML COP: ¿Verdad?	FML COP: Right?
U MALE: Solo vi que seguía [VOCES TRASLAPAN]	U MALE: I only saw that he continued [VOICE OVERLAP]
FML COP: Solo viste que, que, que por ahí pasó dentro de los carros.	FML COP: You only saw that, that, that he went towards and through the cars.
U MALE: Mm-jm. Yeah.	U MALE: Mm-hm. Yeah.
FML COP: Tú amigo que estaba contigo vio la patrulla.	FML COP: Your friend that was with you saw the patrol car.
U MALE: Mm-jm.	U MALE: Mm-hm.
FML COP: Y le, y le dijo qué pasó.	FML COP: And he, he told them what had happened?
U MALE: Sí.	U MALE: Yes.
FML COP: Okay. Okay. [POLICE RADIO] **[41:27]**	FML COP: Okay. Okay. [POLICE RADIO]

[FIN DE GRABACIÓN]	[END OF RECORDING]

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

BWC AUDIO: OFFICER STEPHEN CASSINELLI, #1104

DATE OF RECORDING: 03/07/2018

OFFICER CASSINELLI: Capp and 20th.

DISPATCH: Capp and 20th Code 33, 13-Edward.

CASSINELLI: Yeah, stand by. We're still trying to get info just got flagged down by a 909. About someone running away. That they have a pistol. Suspect just hopped into a trunk. We got the vehicle stopped. It's a black Honda Civic, no plates. Looks like two aboard. Safe avenue approach. It's gonna be southbound Capp from 19th-

OFFICER: Slowly put your hands out the car.

CASSINELLI: Hey driver, put you hands out of the car.

DISPATCH: Vehicle black Honda, no license plate. Safe avenue approach. Southbound from 19th-

CASSINELLI: Hey. Stop talking. Just listen.

OFFICER: Let me see your hands.

CASSINELLI: Hey. Person in the trunk, open the trunk, let me see your hands. Slowly. Let me see your hands in the trunk. Push the lid open.

OFFICER: Get out.

CASSINELLI: Push the lid open. Let me see your hands. Show your hands. Don't get out. Just show me your hands. Who else is in the car? Hey are we on 20th? I put it out as 20th.

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OFFICER: 20th and Capp, yeah.

CASSINELLI: How many other people are in the car? You and who else? Hey, we're gonna pull the driver out and then we'll get the guy in the trunk. Driver, step out of the car and let me see your hands the whole time.

DRIVER: You want me to turn off the car?

CASSINELLI: No. Don't turn off the car. Is it in park?

DRIVER: [Unintelligible].

CASSINELLI: Stay out of the car. Face away from me. Hands up. All right. I'm gonna give you clear instructions. Follow the instructions. Hey, do we got a unit to cuff him?

OFFICER: Yeah.

CASSINELLI: All right.

OFFICER: He's coming out.

CASSINELLI: Yeah. Driver, hey- do not look back. Keep looking straight. Walk back to the sound of my voice. Keep going, keep going, keep going. Stop. Stop. Stop. Stop. Take two steps to your left.

OFFICER: Hey, let me see your other hand in the front.

CASSINELLI: Walk back. Let me know where you want him Carrol. Walk back.

DRIVER: Please man, please [unintelligible] fuckin' goin' on, bra. Okay. Please. I'm not [unintelligible]. I don't know what the fuck is goin' on, man. Who the fuck are you?

CASSINELLI: Hey, which way you want the passenger to go? You want him to come my way or your way? We'll pull him out this way all right.

OFFICER: Let's see both your hands.

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OFFICER: Go.

CASSINELLI: Hey, you in the trunk. Let me see your hands.

DISPATCH: One person still in the trunk.

CASSINELLI: In the trunk, let me see your hands. Show me both of your hands. While showing me your hands get out of the trunk slowly. Once out of- hey, hey. Let me see your hands the whole time. Open the lid.

OFFICER: Open it up.

CASSINELLI: Open the lid. Hey, hey, hey- do not reach or you will get shot.

OFFICER: Stop moving.

OFFICER: Open the lid. Open the trunk. Hey let us see your other hand. Open the lid. Let me see your hands.

UNIT: 1-13, 97.

DISPATCH: 1-13, 97.

OFFICER: [Unintelligible].

CASSINELLI: I have no idea.

OFFICER: Hey-

CASSINELLI: They had no involvement.

OFFICER: Hey, get out of there.

OFFICER: Move across the street. Move across the street.

OFFICER: Move, move.

OFFICER: Move across the street.

CASSINELLI: Hey, in the trunk-

OFFICER: Move across the street.

CASSINELLI: Open the lid, let me see your hands. No- hey- hey-

OFFICER: Do not reach. Do not reach.

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CASSINELLI: Hey, does anyone speak Spanish?

OFFICER: [SPANISH]

DISPATCH: Coming in 10-1.

CASSINELLI: [SPANISH]

BANEGAS: Do you have a working P.A.? I'm right behind you.

OFFICER: Yeah, right here, right here.

BANEGAS: Right behind you.

OFFICER: [SPANISH]

CASSINELLI: Hey, someone wants to speak Spanish take over.

OFFICER: Banegas is here. Banegas is here.

BANEGAS: Okay, who – who we instructing? The guy in the trunk?

OFFICER: Yes.

CASSINELLI: The guy in the trunk.

OFFICER: [SPANISH]

BANEGAS: [SPANISH]

OFFICER: Hey.

CASSINELLI: Hey. Hey.

BANEGAS: [SPANISH]

CASSINELLI: Hey, say he will get shot if he doesn't see his hands.

BANEGAS: [SPANISH]

CASSINELLI: What's up? Hey, there's someone in the back?

OFFICER: [Unintelligible].

CASSINELLI: All right. Hey- hey-

OFFICER: Hey- hey- hey, do not reach in there.

BANEGAS: [SPANISH]

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CASSINELLI: Hey he's got something in the back.

OFFICER: Hey, hey-

OFFICER: Hey, hey-

BANEGAS: [SPANISH]

CASSINELLI: Hey, his - his left hand.

BANEGAS: [SPANISH]

OFFICER: Hey.

OFFICER: Red light, red light, red light.

BANEGAS: [SPANISH]

CASSINELLI: Red light.

OFFICER: Red light.

OFFICER: Red light.

OFFICER: Red.

CASSINELLI: Red light. [SHOOTING SOUND]

DISPATCH: Spanish speaking officer.

OFFICER: [SPANISH]

BANEGAS: [SPANISH]

OFFICER: [SPANISH]

BANEGAS: [SPANISH]

OFFICER: [SPANISH] [SHOOTING]

CASSINELLI: Red. Red, red, red, red.

BANEGAS: STOP FIRE. STOP FIRE. STOP. STOP FIRE. STOP FIRE.

OFFICER: Hey we need [unintelligible]-

DISPATCH: [Unintelligible]

CASSINELLI: Hey, there might be an [unintelligible].

BANEGAS: [SPANISH]

OFFICER: They were good.

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CASSINELLI: Yeah.

OFFICER: You good?

CASSINELLI: Yeah.

BANEGAS: [SPANISH]

OFFICER: She will not exit the backseat.

BANEGAS: [SPANISH]

CASSINELLI: Hey we [unintelligible]

BANEGAS: [SPANISH]

OFFICER: 408.

BANEGAS: [SPANISH]

CASSINELLI: Exit the car. Have her exit.

BANEGAS: [SPANISH]

CASSINELLI: Exit out the driver's side door. Have her exit out the driver's side. Get out the driver's side door.

BANEGAS: [SPANISH]

CASSINELLI: Yeah.

BANEGAS: Keep your hands up. Keep your hands up and go ahead and step out of the car if you can. If you can't move, stay in the car and keep your hands up. Do not move.

OFFICER: Hey I'll go get her.

BANEGAS: Back. Back. Go back.

FEMALE: I can't move.

BANEGAS: Is there anybody else in the car with you?

OFFICER: Hey, I'll go-

BANEGAS: Bring your right-hand ma'am. Listen. Show your right hand, lift it up and if there's anybody else in the car give me a thumbs up. If there's someone else in the car with you. Are you the only one? You're the only one in the car.

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Okay.

OFFICER: 21st and Capp. 21st and Capp.

DISPATCH: [Unintelligible] be advised.

CASSINELLI: You got a shield? Anyone got a shield. You got a shield in the trunk.

BANEGAS: Ma'am, put your hands up please.

OFFICER: Hold off, hold off.

BANEGAS: [SPANISH]

CASSINELLI: Banagas, her name is [redacted] Her name is [redacted].

BANEGAS: Okay. The person in the car if can you hear me. I'm speaking English and Spanish. Show your hands. Ma'am, put your hands up. Don't move your hands ma'am. Okay, person in the trunk-

CASSINELLI: Hey watch- watch blue on blue.

BANEGAS: Okay. Someone keep an eye on the female.

OFFICER: Female.

BANEGAS: Hands up.

OFFICER: Keep your hands up. Hands up.

CASSINELLI: Hands up. Don't move.

OFFICER: I'm gonna go around.

BANEGAS: Keep your hands up.

CASSINELLI: Don't move.

OFFICER: Don't move girl.

CASSINELLI: Do not move.

OFFICER: Get on this side. Get on this side.

CASSINELLI: Step out. Hey, listen to me. Turn towards me. Keep your hands in the air the entire time. Walk towards

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me. Step out.

DISPATCH: Have someone block off 22nd and Capp if it hasn't been done yet. 22nd and Capp.

FEMALE: Okay.

BANEGAS: Any units at 22nd and Capp?

OFFICER: Control David-Sam, I'm 97 at 22nd and Capp.

DISPATCH: Control David-Sam.

OFFICER: David-1-13.

DISPATCH: David-1-13 go ahead.

OFFICER: You're not shot though are you?

FEMALE: I don't think so.

CASSINELLI: Let's see your hands all right? Let's see your hands. It's okay. Put your hands behind your back.

FEMALE: My dog is in the car.

CASSINELLI: We'll grab your dog.

OFFICER: Your dog is fine.

FEMALE: Okay.

CASSINELLI: Your dog will be fine.

FEMALE: Where's my [unintelligible].

CASSINELLI: Let's go to the car.

OFFICER: Are we Code 4.

FEMALE: [CRYING].

OFFICER: 2-21 the vehicle.

[SCREAMING]

OFFICER: We're gonna start CPR.

DISPATCH: David-1-13, have you-

OFFICER: 0-4.

DISPATCH: David-1.

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OFFICER: Actually David [unintelligible] David-1-13.

DISPATCH: Coming in Code 3. Do we have station help there? OFFICER: Yeah I advised Dispatch a while ago we had station help on the way.

OFFICER: David-204.

DISPATCH: 204, go.

OFFICER: I'm almost 97. Why don't you go and call Code 4. [Unintelligible] and we'll start working things out, all right.

DISPATCH: Copy.

OFFICER: I need a couple of things when you're ready.

DISPATCH: 204 go ahead.

OFFICER: 204 is 1-13. Go ahead.

OFFICER: Hey watch this- stick in his –

CASSINELLI: Yeah.

OFFICER: [Unintelligible].

OFFICER: Confirming officer-involved shooting.

OFFICER: 204 headquarters. I need a couple things. First off, on a-

CASSINELLI: No residue?

OFFICER: Look at this.

CASSINELLI: You got it good?

OFFICER: See that?

Officer: Can I get a 4-10 on that. I have more information for you.

OFFICER: See that?

CASSINELLI: Yeah. Yeah, [unintelligible].

DISPATCH: [Unintelligible] 12-Edward, DOA 97 on that.

OFFICER: 20th and Capp for now.

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OFFICER: 300, 204, Capp-20.

OFFICER: Right here. This one.

DISPATCH: David 300 and 304.

OFFICER: You good Cass?

CASSINELLI: Yeah.

OFFICER: I'm almost 97. I'll give you a 10-13 when I get it.

CASSINELLI: What?

OFFICER: Is this what they're asking for?

CASSINELLI: Yeah.

OFFICER: 10-04.

OFFICER: This thing?

CASSINELLI: Yeah.

DISPATCH: David [unintelligible].

OFFICER: 4 Headquarters.

DISPATCH: DOA rep is in route. Go ahead.

OFFICER: Okay. Couple things. Ah, we're gonna need another [unintelligible]. If you can make that happen, I'll appreciate it. Um, if you can also have outside units start to handle our district 'cause we're gonna be tied up on this, right?

CASSINELLI: What do you need?

OFFICER: [Unintelligible] shot.

CASSINELLI: Yeah.

OFFICER: You got a light?

OFFICER: You got a light?

OFFICER: All right.

CASSINELLI: Yeah, see-

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OFFICER: Can you bring a light on him.

OFFICER: Pupils are dilated. They're fixed and dilated.

OFFICER: All right.

CASSINELLI: You just gonna call it out?

OFFICER: Yeah, we'll call right now. You got a watch on you?

OFFICER: Hey, how you doin'?

[SEVERAL VOICES]

OFFICER: Everyone involved in this incident keep your body cameras on. Do not fool around with them. Keep them going for now and I will advise outdoors.

CASSINELLI: Yeah.

OFFICER: Look at his lights [unintelligible].

DISPATCH: Copy. All units involved keep on your body cameras. All units involved keep your body cameras on.

OFFICER: All right.

OFFICER: David-1-13, [unintelligible].

CASSINELLI: 14-Edward.

DISPATCH: David 13-Edward.

CASSINELLI: Okay, we're over here when they flagged us down. They were – everyone was pointing- pointing to the car.

OFFICER: Okay, go find your 909.

CASSINELLI: Yeah.

OFFICER: David-1-13.

DISPATCH: 1-3.

CASSINELLI: Did anybody here fire?

OFFICER: Any officers involved in this OIS, 404 um-?

CASSINELLI: Yeah.

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OFFICER: [Unintelligible]

CASSINELLI: Yeah.

OFFICER: Okay. Come over here.

CASSINELLI: I gotta find the 909s too. Hopefully it's him but-

OFFICER: Okay.

OFFICER: Did you shoot?

CASSINELLI: Yes.

OFFICER: Take- you have to take- come - come with me.

CASSINELLI: [Unintelligible].

OFFICER: Hold off right here. Don't talk. Let me see-

CASSINELLI: Okay.

OFFICER: Just-

CASSINELLI: Yeah.

DISPATCH: 9-12-Edward.

OFFICER: Is someone looking for a POA rep?

CASSINELLI: Go ahead.

DISPATCH: David-204 and [unintelligible].

OFFICER: I'll be on the spot but there's no-

OFFICER: Okay.

DISPATCH: 3-David so far you have a number for 901?

OFFICER: Hey, hey [redacted]? Can you just hang out?

OFFICER: Yeah.

OFFICER: [redacted].

OFFICER: 204-113, where you at?

OFFICER: I'm ah, right in front of 626.

OFFICER: 10-4.

OFFICER: [Unintelligible] at 212-116, I'm 34 out of 98.

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[Unintelligible].

DISPATCH: Copy.

OFFICER: 16-Edward.

DISPATCH: 3-Edward-16-Edward.

OFFICER: Can you put us on this run on ah, Capp Street. We're ah, with 5-Edward.

DISPATCH: Copy.

CASSINELLI: Sir. Yeah. O'Rourke. O'Rourke.

OFFICER: David-204.

DISPATCH: 3-David-204 go ahead.

OFFICER: [Unintelligible].

OFFICER: 3-David-204-97. I just got the briefing from ah, David-1-13. I'm assuming command. I have a couple more ah, requests-

OFFICER: Last name?

O'ROURKE: O'Rourke.

OFFICER: Star number?

O'ROURKE: 2214.

OFFICER: Okay, let's call this incident-

CASSINELLI: Sarge. Cassinelli.

OFFICER: Cassinelli.

OFFICER: Star number?

CASSINELLI: 1104.

OFFICER: Pardon me?

CASSINELLI: 1104.

OFFICER: I want the whole 600 block blocked off.

OFFICER: Okay. You're involved? Do not leave –

OFFICER: Maintaining a crime scene or talk to the

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witnesses. I need you guys to move back and we're gonna lock down the block. Copy?

DISPATCH: David-204, copy. Any units –

OFFICER: Leave your cameras rolling- keep them rolling, don't touch them.

DISPATCH: Whether or not speaking with a witness [unintelligible] block off the 600 block of Capp.

OFFICER: [Unintelligible] you involved?

OFFICER: Blood all over here.

OFFICER: What do I got so far Ron?

OFFICER: Who shot? Raise your hand. Okay. Here's what I want. I don't want you guys to talk about this case at all with anybody other than this guy who is – you're gonna give the public safety information to. Do I get a copy on that?

CASSINELLI: Yes sir.

OFFICER: Yes sir.

OFFICER: Second thing. Don't talk about this incident. This is sensitive. We're gonna keep you guys separated and we're all gonna cooperate with the investigation-

DISPATCH: I'll be 98 to the location. What's the exact 10-20?

OFFICER: Keep them on. Do not touch them. Do not touch anything. I want you guys to get your cell phones out and I want you to turn them off. Okay. Do not want you to notify anybody. We will notify family members to make sure everything is okay. All right? Is everybody safe?

CASSINELLI: Sir.

OFFICER: Sir.

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OFFICER: Yes? We all checked each other? Okay, this is what we train for. This is where the rubber meets the road.

OFFICER: David 202.

OFFICER: David 204 stand by. Give me three minutes and I'll advise everybody.

OFFICER: [Unintelligible]. Okay. What I want everybody to do is we're all gonna [unintelligible]-

OFFICER: David-1-13, can you advise the units that are checking premises on Capp to ah, [unintelligible] Capp.

OFFICER: When you get to the station, I don't want you guys to clean up, change your clothes or do anything. Does anyone have any physical evidence on them from the suspect? Okay. George, I want you to find a unit, I want you to sign into this run, give him the case number and I want that unit to call Operations. Some of that's not [unintelligible].

OFFICER: 200, all units use channel 3.

OFFICER: If you've got stuff on you, I want you to photo- [unintelligible] off the camera before we move you anywhere. Is this all making sense?

OFFICER: I have [unintelligible].

OFFICER: Are you injured? Are you injured?

OFFICER: No.

OFFICER: Or just blood on you.

OFFICER: It's not my blood.

OFFICER: That's from CPR.

OFFICER: We gotta keep you a little separate to make sure your stuff is clean. Has everyone decocked and holster? Okay. Nobody- you don't give your gun to anybody other than CSI after

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they give you a gun from the range. We all in compliance with that?

CASSINELLI: Sir.

OFFICER: Okay. I bitch to you guys a lot in lineup about this kinda stuff and this is where the rubber meets the road. And we all give a public safety briefing to the Sergeant.

OFFICER: 104.

OFFICERS: Rounds, that kind of stuff. Are there any – okay, are there any suspects outstanding?

CASSINELLI: No sir.

OFFICER: No.

OFFICER: No sir.

OFFICER: No suspects are outstanding. Um, we will have people start knocking on some doors making sure everybody's okay, all right? This is a big incident. We're all gonna be here till sunrise. Some of us have been here before. Some of us this is the first time out. We'll all get through it.

OFFICER: [Unintelligible] go ahead.

OFFICER: The officer, ah, [unintelligible] Montoya's been ah, notified. He was gonna start getting some people out here from ah, POA standpoint.

OFFICER: So you're gonna call your friend at Tenderloin, tell em' what happened?

CASSINELLI: Nope.

OFFICER: You gonna call home?

OFFICER: No sir.

OFFICER: No. No one do anything until we tell you to do it, all right?

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OFFICER: Brian 12, what's the phone number for you? What's the [unintelligible] number?

OFFICER: Ah, [redacted]

OFFICER: All these guys gotta go-

OFFICER: Yeah.

OFFICER: To the station, find some rooms up there, separate them out. I don't want you guys talking amongst each other, okay? I know I sound like a dick but there's a reason for this, all right.

OFFICER: We're gonna do this guys. We're gonna cram in vehicles that are like parked out there.

OFFICER: Are you involved in this?

OFFICER: Yeah, I shot.

OFFICER: What?

OFFICER: I shot.

OFFICER: You shot? You're [unintelligible] picture. Where were you-

OFFICER: Whoever, jump in the vehicles and I'll meet you out at the Mission. Everyone sit separately from each other. Separate rooms. Fuckin' sit in a bathroom all I care. Um-

DISPATCH: David-1-13.

OFFICER: We're gonna take like three or four.

OFFICER: You want a shuttle?

OFFICER: Yeah. One shuttle.

OFFICER: Stop talking.

OFFICER: I know. I just wanted you to know the safety public.

OFFICER: I don't want to know.

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OFFICER: Fuckin' don't tell me that shit man.

OFFICER: If you want, I mean I will see what happens. I can do-

OFFICER: You guys all okay? You guys have done this before. You okay?

CASSINELLI: Um hmm.

OFFICER: Is that um hmm- is that a yes?

CASSINELLI: Yes.

OFFICER: Sir.

[BACKGROUND TALKING]-

OFFICER: Yes. Exactly. I got units checked in. I got officers standing by their car.

OFFICER: First ah, what do we got?

OFFICER: All these guys gotta get back.

OFFICER: Okay. Do you want them [unintelligible]?

OFFICER: All right. All right gentlemen. I got two guys here transporting three guys.

OFFICER: 3-Edward-204 to ah, the Tenderloin unit with Officer Pesaris.

OFFICER: I'm right here.

OFFICER: Come here. What unit are you?

OFFICER: How many can you fit in your car?

OFFICER: Hey guess what? You're taking this initially.

OFFICER: Four.

OFFICER: Four.

OFFICER: 1-11 to David-204.

CASSINELLI: Sarge, even when we get back to the station, are we still leaving these on?

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OFFICER: Yep. Don't touch that.

CASSINELLI: All right.

OFFICER: 3-David-204 Headquarters.

DISPATCH: 3-David-204 go ahead.

OFFICER: Our whole Mission crew was involved in this. I'm thinking [unintelligible] unit to do the initial report and he's gonna handle it. 3-John-41-Edward. He's going to be the initial [unintelligible]. Please get him a case number and he'll be calling Operations to ah, give him a 10-13. Copy.

DISPATCH: Copy. 41-Edward are you ready for a case number?

OFFICER: You want pictures?

OFFICER: That's what he said.

OFFICER: Okay.

OFFICER: Pictures to –

OFFICER: [Unintelligible] but you guys gotta do me this favor too. These three officers-

OFFICER: Give me one sec.

OFFICER: Carrol.

OFFICER: Carrol. These three officers-

OFFICER: 1-11 to David-204.

OFFICER: I need you guys to –

OFFICER: David 204.

OFFFICER: I got the command van. Where do you want it?

OFFICER: What street is that?

OFFICER: 20- 20th and Capp.

OFFICER: Ah, just went of south. Copy.

OFFICER: 98.

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OFFICER: Go to Mission. [Unintelligible]-

OFFICER: Never touch the camera.

OFFICER: David 204. I need some red tape to ah, cross off the perimeter on the [unintelligible].

OFFICER: Casings all on right behind you.

OFFICER: Can you have him [unintelligible]-

DISPATCH: The unit with red tape to block off the initial -the perimeter at 19th.

OFFICER: The administrative portion of this and make sure [unintelligible].

OFFICER: David 1-13 have ah, whatever units are doing CPR not [unintelligible] in front of vehicle 124.

OFFICER: 3-boy-100. And I'm at Southern unit transporting back to [unintelligible].

DISPATCH: Doing CPR the 904 gave a 1-13.

OFFICER: So- yeah. How many you have?

OFFICER: One.

OFFICER: [Unintelligible]

OFFICER: David-204.

DISPATCH: David-204.

OFFICER: All of our units are involved 3-boy-100 last name he's gonna handle the -the administrative portion of the incident.

CASSINELLI: This way?

OFFICER: Handling all the personnel and all of the ah, the administrative tasks. 3-boy-112, 114- excuse me- is on scene. She's got the core name, the criminal investigation on this. Copy?

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CASSINELLI: Hey Shawn.

DISPATCH: Copy.

CASSINELLI: If you see one of the medics that has a flashlight, [unintelligible]-

OFFICER: What do you got?

DISPATCH: 100 handling the administrative portion of the incident boy-114 coordinating criminal investigation.

OFFICER: 3-John-41-Edward is gonna be handling the initial, correct?

DISPATCH: I don't have that in the CAD.

CASSINELLI: Hey, it's no bigger. Can you just-

OFFICER: No. Go 10-8. Go 10-8.

OFFICER: 3-David-204. The reason why we're doing this because we got all of Mission officers involved in this [unintelligible] to handle and it looks like 3-xray-3 97 we have this incident as soon as I [unintelligible] microphone.

DISPATCH: Copy.

OFFICER: Captain.

CAPTAIN: Hi.

OFFICER: Sir. Commander.

OFFICER: Okay. And it sounded like a [unintelligible].

OFFICER: David-300 headquarters.

DISPATCH: David-300.

OFFICER: Can you show me you responded to the scene?

OFFICER: Okay, were you able to find [unintelligible]?

OFFICER: Yeah.

CASSINELLI: I got pulled away before I could go find him. I want to say it was- did you see Roman over there? Was he

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talking – I saw him talking-

OFFICER: Yeah, yeah, yeah.

CASSINELLI: To a couple people over there.

OFFICER: It's leaking gas.

CASSINELLI: Yeah that shut it off.

OFFICER: Department General Orders.

CASSINELLI: So yeah I'm on my way and they- does Roman – [unintelligible]

OFFICER: Yeah. He's got two guys.

CASSINELLI: Once I told someone I was involved they just wanted me to not do anything so.

OFFICER: If [unintelligible] is gonna be calling Operations for that OIS ah, protocol. Call up, um, [unintelligible]. We need a couple things. We're gonna be here all night. [unintelligible] this district. We have lost time. And we're gonna start working on getting [unintelligible]. And you're not even here right? Not overtime.

OFFICER: Okay.

DISPATCH: The case number is [redacted].

OFFICER: Secure that front- no, you guys aren't doing nothing, all right?

OFFICER: These are – they're being taken back.

OFFICER: Okay.

OFFICER: The main thing is [unintelligible]

OFFICER: Okay.

OFFICER: Did we de-cock?

CASSINELLI: Yes sir.

OFFICER: Put the safety on?

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OFFICER: John-40-1-Edward.

DISPATCH: John-40-1-Edward.

CASSINELLI: There was one more. I don't know where he went.

OFFICER: Initial time on this call. I copy the case number.

DISPATCH: 2236.

OFFICER: 10-4, thank you.

OFFICER: Okay. Just need to coordinate. Where'd he go?

OFFICER: He is the [unintelligible] sergeant here.

OFFICER: Yep.

OFFICER: Okay, all right. Where's your -

OFFICER: Hey.

OFFICER: [unintelligible] thank you.

OFFICER: Go.

OFFICER: Yep.

OFFICER: Let's go.

OFFICER: Miles. Do you have one more?

OFFICER: I got three.

DISPATCH: [Unintelligible]

OFFICER: Hold on one more second. Stop.

DISPATCH: All units be advised [unintelligible] is now open for service and [unintelligible] for Bayview and Mission units [unintelligible] for the OIS. [Unintelligible] now open for service and [unintelligible] Bayview and Mission units and A is for the [unintelligible].

OFFICER: I want to keep it- I want to try and keep it [unintelligible].

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OFFICER: I got two [unintelligible].

OFFICER: Okay, perfect. So let's do [unintelligible].

OFFICER: Yeah.

OFFICER: Take, you could take four cause you're gonna be in a - you can be by yourself. And do we have an extra car?

OFFICER: Yeah. Hey, I have one more over here, ah, where's Mike? Send one more over here.

OFFICER: Okay.

OFFICER: [Unintelligible] can take one more so one more go with [unintelligible].

OFFICER: All right everybody. Start moving northbound out of this area all right. It's a crime scene.

OFFICER: Okay. With those that [unintelligible]-

OFFICER: Tony.

OFFICER: Yeah. Okay.

OFFICER: Asheeda. Yeah.

OFFICER: [Unintelligible]. Don't take it apart. Just [unintelligible]

OFFICER: Same direction for him right?

OFFICER: Yeah. Everybody, let's get out of this crime scene. You can render that safe and then [unintelligible].

OFFICER: Oh. Okay so you got- you guys are -

OFFICER: Your hands, all right.

OFFICER: And you're taking two- [unintelligible]

OFFICER: Okay. You guys all need to go back right.

CASSINELLI: Yes sir.

OFFICER: Sir.

OFFICER: Okay. Let's go, come with me. I'll load right

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here.

OFFICER: Okay.

OFFICER: 5-xray-34-Adam 112 and 116 97.

DISPATCH: Copy.

OFFICER: Okay. Is that – is that safe? Okay. Cool. Hang on to everything. Where's my other transport unit?

OFFICER: 3-David-15-Edward.

OFFICER: Okay, cool. One, two, three and four, right?

OFFICER: Yes.

DISPATCH: David-15-Edward.

OFFICER: Hey ah, [unintelligible] with one of the victim translations. The other victim [unintelligible].

CASSINELLI: We had four originally but I don't know –

OFFICER: All right let me take you out. Okay.

OFFICER: David-37-David 202.

OFFICER: Need anything?

CASSINELLI: No. One of the medics stole my flashlight but that will get returned I'm sure.

OFFICER: We'll get- we'll get it back.

CASSINELLI: Nah, someone's got it.

OFFICER: It should have been four but it's three that's fine. Oh wait, there's one- [unintelligible]. He's getting cleaned up.

OFFICER: All right? Ah, if you guys can just hold him and hang onto to him until somebody tells you differently, all right?

CASSINELLI: Thanks Sergeant.

OFFICER: Good. All right, good.

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OFFICER: You going to Mission?

OFFICER: Yeah.

OFFICER: Everybody good?

OFFICER: Yeah.

CASSINELLI: Yeah.

OFFICER: Extra bodies. Confirm that. [Unintelligible].

OFFICER: Edward-1-6-Edward.

OFFICER: Edward-1-6-Edward.

OFFICER: Can you go [unintelligible] for this ah, incident here on Capp Street take command of the inner crime scene? Anybody trying to enter needs to see me first. Edward-1-6-Edward.

OFFICER: Edward-1-13.

OFFICER: Go ahead.

OFFICER: Yeah have some unit that weren't involved in this. I got one male and one X that needs to be transported to the company.

OFFICER: Copy. Yeah, David [unintelligible] one male, one X that needs to be transported to company.

OFFICER: [Unintelligible].

OFFICER: I'm good.

OFFICER: David 204.

OFFICER: 204.

OFFICER: Just for CAD I have established a perimeter around the main crime scene. And we've got an out of perimeter going. I lost sight of those [unintelligible] at this time.

OFFICER: Copy.

OFFICER: And ah, I asked earlier for extra channel for

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this incident. Um, we're gonna need that and it's gonna need to be [unintelligible] for a while.

OFFICER: 10-4.

OFFICER: You guys are good?

CASSINELLI: Yeah.

OFFICER: Yeah.

OFFICER: I know I put 300 on it but ah, we're gonna start needing to detail officers in our step 1 broads from our surrounding stations to handle the Mission district, ah, regular district stations to operations.

OFFICER: [Unintelligible]?

OFFICER: John.

CASSINELLI: Steve.

OFFICER: Steve?

OFFICER: John.

OFFICER: David-300 97.

OFFICER: I'm moving back just a little bit if that's cool.

CASSINELLI: Oh I've got plenty of room.

OFFICER: David-37-David 204.

OFFICER: David 37-David 1-13.

OFFICER: Go ahead.

OFFICER: Okay, we've shuttled several officers back to the station. We need to know if we're supposed to be shutting these cameras off once we get in or not. Leave em' on.

OFFICER: Ah, 23-1.

CASSINELLI: We going to Mission or we going to DOC?

OFFICER: To Mission.

CASSINELLI: Okay.

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OFFICER: Why? Did they tell you DOC?

CASSINELLI: No, no. I was just wondering.

OFFICER: Generally, it's back to your home station. Are you guys on mids or swings?

OFFICER: Swings.

CASSINELLI: Mids.

OFFICER: Mids.

OFFICER: David 204.

OFFICER: 204.

OFFICER: All right. So 8-10 is shut off and they're talking regular traffic and ah, we've lost the [unintelligible] here on channel 4. [Unintelligible] right now I'm ready to go.

OFFICER: All right. So everything on this incident is going to what channel?

OFFICER: Ah, regular traffic is gonna go on 18.

OFFICER: So what's keeping this incident on 4? Moving regular traffic [unintelligible] correct?

OFFICER: That is affirmative.

OFFICER: [Unintelligible].

OFFICER: Excellent. Thank you very much.

OFFICER: Yeah, he [unintelligible].

OFFICER: David 204.

OFFICER: Go ahead.

OFFICER: I know everyone's listening but here's the deal. Everyone keep the cameras on until Homicide collect them, all right? Here's another thing. All the – all these radio cars that are on scene, if people can ah, reach in and turn off their emergency lights, maybe turn the engines off. That would work

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as well.

DISPATCH: Everyone who has got their ah, cameras on, keep them on until Homicide collects them. All the vehicles in the area if you can turn off your emergency lights.

OFFICER: [Unintelligible].

[ARRIVAL AT STATION]

OFFICER: I'm not telling you to go away. I just-

[Unintelligible]

OFFICER: We're not telling you to go away.

OFFICER: I'll be taking over command 300, we'll be heading out to the Taraval.

OFFICER: We got somebody up there?

OFFICER: No. One on that side and one [unintelligible].

CASSINELLI: Ah, yes.

OFFICER: Put your shoes on the other side.

OFFICER: Can you [unintelligible]

CASSINELLI: What's that?

OFFICER: Just stand [unintelligible]

CASSINELLI: Yeah.

OFFICER: For ah, [unintelligible]. Yeah, let's ah, get that.

[BACKGROUND TALKING]

OFFICER: That's all I had.

OFFICER: 3-David-204.

OFFICER: 204.

OFFICER: David 204 to Mission Station. With Mr. Garcia.

OFFICER: 204.

OFFICER: Haven't figured it out [unintelligible]. We have

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a prisoner related to this incident, ah, get him out of there. And no other outside come into the station if they're not involved with this incident. Copy?

OFFICER: Copy.

[BACKGROUND TALKING]

OFFICER: Okay.

OFFICER: [Unintelligible]

OFFICER: Right here?

OFFICER: Yeah.

OFFICER: Hey Chris, how you doing?

OFFICER: Pretty good.

OFFICER: [Unintelligible]

OFFICER: Yeah.

OFFICER: Good.

[RADIO]

OFFICER: Yeah, yeah, [unintelligible].

OFFICER: Mission Station Dispatch.

DISPATCH: Go ahead Mission.

OFFICER: Can you find an outside unit and let them know there's a custody [unintelligible].

DISPATCH: [Unintelligible].

[BACKGROUND TALKING]

[RADIO]

OFFICER: Oh, PC.

OFFICER: Oh, okay. You and ah-

OFFICER: What's up?

OFFICER: You guys [unintelligible]?

OFFICER: Yep.

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OFFICER: Yeah. You guys doing all right?

CASSINELLI: Yeah.

OFFICER: Just remember. No talking to anybody.

CASSINELLI: Yep.

OFFICER: Tup, were you out there?

TUPPER: Yes sir.

OFFICER: He just wants me to check and make sure um, you weren't [unintelligible].

OFFICER: You [unintelligible] she just wants to make sure that-

CASSINELLI: Yeah, yeah, yeah.

OFFICER: No one's hurt.

OFFICER: Are you guys on red too?

CASSINELI: Yeah.

OFFICER: Can find that out. Cool. Me too. Do me a favor. [Unintelligible]. Chris is on his way.

OFFICER: Cool. Perfect.

OFFICER: [Unintelligible].

OFFICER: Hmm?

OFFICER: We need a list of [unintelligible].

[BACKGROUND TALKING]

[RADIO]

CASSINELLI: Think I can go in the bathroom?

OFFICER: What's that?

CASSINELLI: Think I can go to the bathroom? Take this thing off of me, stick it on the wall.

OFFICER: No.

CASSINELLI: No.

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OFFICER: No.

CASSINELLI: Just go like this or something.

OFFICER: Hang on.

CASSINELLI: All right. Hey Sarge, I gotta to make-

OFFICER: Did you find the keys for –

CASSINELLI: I don't think so. I [unintelligible] that we were in.

OFFICER: That's fine. The car?

CASSINELLI: The car.

OFFICER: Yeah, we have spares.

CASSINELLI: All right. I didn't know.

OFFICER: Yeah.

[RADIO]

OFFICER: You want me to secure him?

OFFICER: Hang on. Let me just check [unintelligible] him first.

OFFICER: For?

OFFICER: I just have to check in with [unintelligible] first-

OFFICER: Oh, I see.

OFFICER: And then I'll come back. You guys involved right?

CASSINELLI: Yes sarge.

OFFICER: Okay. Um, I know you guys are Code red. Go ahead and go off.

CASSINELLI: Completely?

OFFICER: Go ahead and go off 'cause you guys can make phone calls home, all that kind of stuff.

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END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

BWC AUDIO: SERGEANT GEORGE PEREZ

DATE OF RECORDING: 03/07/2018

95- 21st and Capp.

OFFICER: Where the fuck is the shield? Sorry. Here it is.

DISPATCH: [Unintelligible]

SERGEANT GEORGE PEREZ: Okay. Holiday. Hey haul out, haul out. Who's leading? Will someone-

OFFICER: Hold still. [Unintelligible]

BANAGAS: [SPANISH]

PEREZ: Ready?

OFFICER: Yeah.

BANAGAS: Okay. First we're gonna [unintelligible].

PEREZ: [SPANISH]

BANAGAS: Show your hands.

PEREZ: Pull him out?

[Unintelligible]

PEREZ: Pull him out.

BANAGAS: Hang on. Leave your hands up. Don't move your hands ma'am. Okay. [Unintelligible].

PEREZ: Pull him out.

OFFICER: Get him out? You're gonna-

PEREZ: Hey girl. Do me a favor. Do me a favor.

BANAGAS: Hands up.

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PEREZ: Don't move. Don't move. Please don't move.

FEMALE: [CRYING]

OFFICER: Hands up. Don't move. Do not move.

PEREZ: Don't move girl. [Unintelligible], bring her over to this side. Ros, bring her on this side. Bring her on this side [unintelligible]. All right.

OFFICER: Listen to me. Turn towards me. Keep your hands in the air the entire time and walk towards me.

OFFICER: Just responded. Have someone block off 22nd and Capp 'cause it hasn't been done yet. 22nd and Capp.

BANAGAS: Okay. Need a unit to 22nd and Capp.

OFFICER: Are you hit? Are you hit?

OFFICER: 12-David-Sam I'm 97 at 22nd Capp.

DISPATCH: 12-David-Sam copy.

OFFICER: David-1-13.

DISPATCH: David 1-13, go ahead.

OFFICER: Can you send a 408 in [unintelligible].

DISPATCH: Copy. Send a unit 408.

OFFICER: 408 coming on 22nd.

PEREZ: Hey have you guys got [unintelligible] leave it on the floor.

OFFICER: Are we Code 4?

OFFICER: Yeah, Code 4 is the 2-21, a vehicle.

OFFICER: All right, 22 I'll be there. [unintelligible].

OFFICER: [Unintelligible]

DISPATCH: David 1-13, copy.

OFFICER: David 204.

DISPATCH: David 204.

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OFFICER: Actually David 204 I gave the 1-13.

OFFICER: Go ahead.

OFFICER: We still have the units coming in Code 3. Do we have a station out there or shut it down.

PEREZ: Shut down.

OFFICER: Yeah I advised Dispatch a while ago. We had [unintelligible].

OFFICER: David 204.

DISPATCH: 204 go.

OFFICER: Almost 97. Why don't you go on again Code 4. {unintelligible].

OFFICER: All right.

OFFICER: And we're start working things out, all right?

PEREZ: Give me the yellow tape.

DISPATCH: Copy.

OFFICER: I need a couple things when –

PEREZ: Who has the yellow tape? Hey, does anyone have their- everyone all good?

DISPATCH: 204 go ahead.

OFFICER: Yeah.

PEREZ: Good? No one's hurt?

OFFICER: 204 to 1-13.

PEREZ: All right. You guys are good. No one's hurt?

OFFICER: Officer involved shooting?

OFFICER: No.

PEREZ: Good. You guys are okay? No one's hurt?

OFFICER: We're good.

PEREZ: Good.

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OFFICER: 204 headquarters.

PEREZ: You guys got magazines, leave your magazines on the floor.

OFFICER: I need a couple things. First off, on an all for a POA rep. Pick him up to assist. And when I get a 4-10 on that I have more information for you.

PEREZ: God-damn.

DISPATCH: Copy.

PEREZ: Hey someone has the yellow tape?

OFFICER: [Unintelligible]

OFFICER: 20th and Capp for now.

OFFICER: David 300 to 204.

OFFICER: 10-20.

PEREZ: Yellow tape please. Thank you sir.

OFFICER: David 300 to 204.

OFFICER: I'm almost 97. I'll give you a 10-13 when I get it.

OFFICER: 10-4.

DISPATCH: [Unintelligible]

OFFICER: Headquarters.

DISPATCH: POA rep is in route. Go ahead.

OFFICER: Okay. Couple things. Um, we're gonna need another channel for this, ah, so if you can make that happen I would appreciate it. Um, if you can also have outside units start to handle our district because we're gonna be tied on on this, right.

PEREZ: All right. All right boys and girls.

DISPATCH: Copy.

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OFFICER: [Unintelligible]

PEREZ: You all right? Take a breather. Hey, do me a favor. Zip that yellow tape about a, about 50 feet in front of that car, man.

OFFICER: Should I take care of this?

PEREZ: Yeah, please. Thank you. On the sides too. Set the yellow tape on the sides too. Thank you.

OFFICER: David 204 headquarters.

PEREZ: I think it's fuckin' great.

OFFICER: Hey, everyone involved in this incident, keep your body cameras on. Do not fool around with them. Keep them going for now and I will advise outdoors, copy?

PEREZ: All right.

DISPATCH: Copy. All units involved keep on your body cameras. All units involved keep your body cameras on.

PEREZ: Okay. Hey Leonard.

OFFICER: David 1-13, what's the unit that called about it initially?

OFFICER: 14-Edward.

DISPATCH: Originally you made it David 13-Edward.

OFFICER: They were over here when they flagged us down. They were- everyone was pointing-

OFFICER: Okay, go find your 909.

OFFICER: Yeah.

PEREZ: You want me to take a list of names of officers who shot?

OFFICER: Yeah, I need you.

PEREZ: All right.

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OFFICER: David 1-13.

DISPATCH: 13.

OFFICER: Yeah, any officers involved in this OIS 904 me, um-

PEREZ: In front of the public lot- parking.

OFFICER: The parking garage here on scene.

DISPATCH: 10-4. Any units involved in this incident 904 David 1-13 in front of the parking garage.

PEREZ: What's the fire number?

OFFICER: 253-

OFFICER: Carrol, 987, sir.

PEREZ: What?

DISPATCH: 12-Edward.

OFFICER: 987.

OFFICER: Someone looking for POA reps?

PEREZ: Ish, what's your number?

OFFICER: 2035, sir.

OFFICER: I'll respond. [Unintelligible] 901 someone?

PEREZ: Marty?

OFFICER: 1469.

DISPATCH: 3-David do you have a number for 901?

OFFICER: 415-

PEREZ: Hi guy.

OFFICER: 309-6247.

OFFICER: 2017.

OFFICER: 204 1-13, where you at?

OFFICER: 4115.

OFFICER: I'm ah, right in front of 626.

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PEREZ: Ry, you involved? Huh?

OFFICER: 34-Adam 98.

DISPATCH: Copy.

PEREZ: Yeah, all you guys. Hey all of you [unintelligible] stay here 'cause all you guys gonna be leaving here in a second. Just stand here. All you guys are gonna be leaving- I got all – hey Mike, I got all of them.

OFFICER: Hey Sarge, this is all fucked up. I gotta go find one of my recruits.

PEREZ: Don't worry about your recruit right now.

OFFICER: Okay.

PEREZ: Okay. Don't worry about your recruit right now. Don't worry about your recruit. Okay. Don't- is the recruit involved?

OFFICER: No. I- no, one of them is here. I don't know where the other one is at.

PEREZ: If your recruit is not involved don't worry about him, all right?

OFFICER: David 1-13, I'm assuming command.

PEREZ: You involved?

OFFICER: I have a couple more, ah-

PEREZ: Last name?

OFFICER: Requests when you're ready.

PEREZ: Star number?

OFFICER: 2214.

OFFICER: Okay. Call this incident-

OFFICER: Sarge?

PEREZ: Cassinelli, star number?

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CASSINELLI: 1104.

PEREZ: Pardon me?

CASSINELLI: 1104.

OFFICER: I want the whole 600 block blocked off.

PEREZ: Okay, if you're involved do not leave right here.

OFFICER: We're talking to witnesses.

PEREZ: Mike, you involved?

OFFICER: No.

PEREZ: Oh okay.

OFFICER: I need you guys to move back and we're gonna lock down the block.

PEREZ: [Unintelligible].

OFFICER: Hey Sarge, do you want us to be [unintelligible].

PEREZ: Huh?

OFFICER: Do you want us to be [unintelligible]?

PEREZ: No, don't touch your cameras. Leave your cameras- if they're rolling, leave him rolling. Don't touch them. Ros, you involved?

OFFICER: No.

PEREZ: What I got so far Ron. These officers.

OFFICER: Who shot? Raise your hand. Okay.

PEREZ: Got em' all.

OFFICER: Here's what I want. I don't want you guys to talk about this case at all with anybody other than this guy who is give- you gotta give public safety information to. Do I get a copy on that?

OFFICER: Yes sir.

OFFICER: Yes sir.

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OFFICER: Second thing. You're not to talk to each other about this incident. We're gonna keep you guys separate. We're all gonna cooperate with the investigations, right? Are our body cameras on?

OFFICER: Yes sir.

OFFICER: Yes sir.

OFFICER: Leave them on. Do not touch them. Do not mute them. Do not do anything. I want you guys to get your cell phones out. I want you to turn them off. Okay? I do not want you to notify anybody. We will notify family members to make sure everything is okay.

PEREZ: Yeah, we'll do all that.

OFFICER: Is everybody safe?

OFFICER: Sir.

OFFICER: Sir.

OFFICER: Yes? Did we all check each other? This is what we train for. This is where the rubber meets the road. Okay? David 204, stand by. Give me three minutes and I'll advise everybody. Okay. What I want everybody to do is we're all gonna move back to Mission Station. Okay? When we get to the station I don't want you guys to clean up, change your clothes, or do anything. Does anyone have any physical evidence on them? Blood from the suspect? Okay.

OFFICER: Yes sir.

OFFICER: George, I want you to find a unit. I want you assign them to this run, give them a case number and I want that you to call operations. Someone that's not involved in any of this.

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PEREZ: Okay.

OFFICER: If you've got in- if you've got stuff on you, I want you to photo- I want you to photo that with a Department camera before we move you anywhere. Is this all making sense?

OFFICER: I have blood too, sir.

PEREZ: Are you injured? Are you injured or it's just blood on you?

OFFICER: This is – that's from CPR initially.

OFFICER: Okay.

PEREZ: Fine.

OFFICER: Okay. We gotta keep you a little separate to make sure stuff is [unintelligible]. Has everyone de-cocked and holstered? Okay. Nobody -you don't give your gun to anybody other than CSI after they give you a gun from the range. We all in compliance with that?

OFFICER: Yes sir.

OFFICER: Yes sir.

OFFICER: Yes sir.

OFFICER: Okay. I bitch to you guys a lot in lineup about this kind of stuff and this is where the rubber meets the road. Did we all give a public safety briefing to the Sergeant?

OFFICER: Yeah.

OFFICER: Like how many rounds, direct of travel, that kind of stuff? Are there any – okay. Are there any suspects outstanding?

PEREZ: No.

OFFICER: No sir.

OFFICER: No sir.

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OFFICER: No suspects are outstanding. Um, we will have people start knocking on some doors making sure everybody's okay. All right? This is a big incident. We're all gonna be here till sunrise. Some of have been here before. Some of us this is the first time out. We'll all get through it, all right? WE all good?

OFFICER: Yes sir.

OFFICER: Yes sir.

OFFICER: So are you gonna call your friends in the Tenderloin and tell them what happened?

OFFICER: Nope.

OFFICER: You gonna call home?

OFFICER: No.

OFFICER: No. No one do anything until we tell you to do it, all right? Did you fire? Okay. George, you're in charge of these guys?

PEREZ: I- I – I got the ah, public- I was here when it happened so I got the public statement already. I got it.

OFFICER: Okay.

OFFICER: Hey. Make-

OFFICER: All these guys gotta go.

PEREZ: Yeah.

OFFICER: To the station. Find some rooms up there. Separate them out. I don't want you guys talking amongst each there, okay? I know I sound like a dick but there's a reason for this, all right?

PEREZ: All right. We're gonna do this guys. We're gonna cram in vehicles that are like parked out there.

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OFFICER: The what?

OFFICER: I shot.

OFFICER: You're shot? You're out of the picture. Where are your recruits?

PEREZ: And whoever jump in the vehicles. I'll meet you at Mission. Everyone sit separately from each other. Separate rooms. Fuckin' sit in a bathroom, all I care. Um-

OFFICER: I got – I got a [unintelligible] unit.

PEREZ: Okay. We're gonna take like three or four.

OFFICER: Do you want shuttle?

PEREZ: Yeah. Why don't we shuttle them Mike.

OFFICER: 10-8 unit I guess took pictures of [unintelligible]?

PEREZ: Yeah.

OFFICER: Stop talking. I don't want to know. I – I just want me to do the public safety for them?

OFFICER: I don't want to know.

OFFICER: When I get back to the station, I'll just start doing them.

PEREZ: Ah, if you want. I mean I was here when it happened so I can do it.

OFFICER: Up to you. Whatever you want to do.

PEREZ: Yeah.

OFFICER: Okay.

PEREZ: Um-

OFFICER: You guys all okay? You guys have done this before. You okay?

OFFICER: Um hmm.

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OFFICER: Is that a yes?

OFFICER: Yes.

OFFICER: Okay.

PEREZ: You know.

OFFICER: Yeah, they got here- they got here – they got way before I did too.

PEREZ: I'll be late for class. I'll be late for class.

OFFICER: I know. Okay.

PEREZ: Do me a favor. Who's outside- who has cars? Who has cars? You got a car?

OFFICER: We have a cageless.

PEREZ: Where's your car?

OFFICER: It's around the corner. It's on ah-

PEREZ: Okay. Okay. You got to shuttle these guys from- all right gentlemen. I got two guys here transporting for you guys. Okay? Come here. Come here. Don't be scared. Come here.

OFFICER: What unit are you?

PEREZ: How many can you fit in your car?

OFFICER: Ah, four.

PEREZ: Four. Go with him.

OFFICER: Sarge, even when we get back to the station are we still leaving these on?

PEREZ: Yep. Don't touch it. Don't touch it.

OFFICER: Our whole Mission crew was involved in this. I'm taking an outside unit to do the initial report.

PEREZ: Fuck. You want pictures

OFFICER: John-41-Edward.

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OFFICER: That's what he said.

PEREZ: Fuck it.

OFFICER: We have to give [unintelligible]

PEREZ: All right.

OFFICER: Please give me my case number and he'll be calling-

PEREZ: You guys got a car?

OFFICER: Yes.

PEREZ: Come here. One of you guys drive but you guys are gonna do me this favor too. These three officers –

OFFICER: And Carrol.

PEREZ: And Carrol, these four officers got blood on them. I need you guys to take pictures of each one before we transport them.

OFFICER: Okay.

PEREZ: All right? And then transport them.

OFFICER: Where we going?

PEREZ: Mission.

OFFICER: Mission.

PEREZ: Drop them off at Mission.

OFFICER: I'm taking four?

PEREZ: Take them. Yeah. Just take them. Go to Mission.

OFFICER: What about our cameras? We leave them on?

PEREZ: Leave- don't touch your cameras. Leave your cameras running.

OFFICER: You guys have no blood? Cause he can take –

OFFICER: He's got blood.

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OFFICER: You two-

OFFICER: You got casings all underneath right behind you too so-

PEREZ: God-dammit.

OFFICER: Just so you-

PEREZ: Just- ride with them.

OFFICER: Write down the star number and take-

PEREZ: When they- actually, you know what? I'll get another unit for you to ride. Where's the car? God-dammit. Who has a car? Vic, you got a car?

OFFICER: It's a block away.

PEREZ: So do me- you have a car up close? You have a car up close?

OFFICER: Yeah I got a-

PEREZ: Do me a favor. The rest of these guys, transport them to Mission- down to Mission. Make sure they fuckin' sit separately. I don't care if they fuckin' sit in a bathroom.

OFFICER: Yeah.

PEREZ: Okay? Hey, hey. The rest of you guys, go with Gar. I mean ah, ah-

OFFICER: Kerrigan.

PEREZ: Kerrigan.

OFFICER: Hey Sarge. There's one of the mags it's right there. Just FYI.

PEREZ: Yeah, we'll leave it. Once they- once they take the pictures you guys, go with them to Mission.

OFFICER: Sir, they're all taking a picture right?

OFFICER: If you have blood on your 408 they're gonna take

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ah-

OFFICER: We all take a picture-

PEREZ: If you have blood on you.

OFFICER: [Unintelligible] down?

PEREZ: If you have evidence.

OFFICER: Ah, pictures and then you said-

PEREZ: All right.

OFFICER: Bring em' down.

OFFICER: 1-14, excuse me, is on [unintelligible] coordinate the critical investigation on this, copy?

OFFICER: Copy.

PEREZ: I was working overtime.

OFFICER: I bet you were. [Unintelligible].

PEREZ: So run that back to me. What do you got? You want all of them?

OFFICER: Hold on, man, I'll find out myself.

OFFICER: 3-John-41.

OFFICER: Hey, what's up?

OFFICER: It's no bigge.

PEREZ: No. Go 10-8. Go 10-8. Thank you.

OFFICER: The reason why we're doing this because all of our Mission units are involved in this incident.

OFFICER: 43 97. Ah, he's gonna be assuming command of this incident as soon as [unintelligible].

OFFICER: Captain.

PEREZ: Hi.

OFFICER: Sir. Incident Commander.

PEREZ: Okay. It sounded like Tono was coming.

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OFFICER: Yeah, Tono is in route.

PEREZ: Yeah.

OFFICER: He's – he's not here yet.

PEREZ: Okay.

OFFICER: He's on the air right now.

PEREZ: Okay.

OFFICER: Um, I pulled some outside sergeants to work [unintelligible].

PEREZ: Okay.

OFFICER: Um, my first question. All of our cops are okay?

PEREZ: All of our cops are okay. We're in the process getting them moved to the station.

OFFICER: Okay.

OFFICER: Public safety information has been retrieved form them. We're moving them to the station away from incident just like we're supposed to do on ah, Department General Orders. Um, we're gonna rope this off with the red tape as soon as we get it. The whole block is gonna be locked off. We have [unintelligible] van coming. Um, the Ferris is gonna be calling Operations for that OIS protocol call-up. Um, we got recruits here that were percipient witnesses but they didn't fire. Ah, I'm gonna need a couple things. We're gonna be here all night. I need outside units to handle this district. And from the [faux paux] that we had last time we need to start working on getting people DPL'ed in for the next couple days 'cause this is the whole midnight crew and swing watch.

OFFICER: Swings and mids?

OFFICER: And you're not even here right? You're on

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overtime.

PEREZ: I know. I'm not even here. I've overtime.

OFFICER: Um, boss what would like from us?

PEREZ: Okay. Sounds like we got-

OFFICER: You know what? We need 50 people standing around listening, okay? I need the two sergeants- the sergeants can stay. Everybody else go do something. So secure that-

OFFICER: You want us to-

PEREZ: No, you guys aren't doing nothing, all right.

OFFICER: They're being taken back to the station.

OFFICER: Okay.

OFFICER: The main thing we need to figure out right now I think is the – the firearm that was on these guys. They're holding [unintelligible] before they go back which may have been used. We're got two suspects still on the crime scene so we should probably get them [unintelligible] as well. Where they're going is the question. Um, Southern's here to help with all that so we're taken care of taking [unintelligible] and such.

PEREZ: Okay.

OFFICER: If you want to [unintelligible] with two 21's before they get unintelligible].

OFFICER: The two 21's that the officers have?

OFFICER: Or you, yes.

PEREZ: Okay. Ah, we'll just [unintelligible] and they're go to the station.

OFFICER: Okay, go to the station with you.

PEREZ: Yeah, everyone's going back-everyone involved in

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OIS is all being driven back to the station right now.

OFFICER: Okay.

PEREZ: All right. Hey, take him.

OFFICER: Yeah? Okay.

PEREZ: Go. Let's go.

OFFICER: Yep.

OFFICER: Yeah I'm already done.

OFFICER: Thank you sergeant.

PEREZ: All right. You guys got rides?

OFFICER: Four in ah, [unintelligible]

PEREZ: Okay. But everyone else-

OFFICER: We're take these two. [Unintelligible] Smith right? So [unintelligible] I can take four. I can take him back to-

PEREZ: Take him. Go ahead. If there- if there not getting cleared check my - my ambulance. Just take them.

OFFICER: Okay. Perfect. So-

PEREZ: Remember. Do not touch your video. Do not touch your weapon. Everyone sits separately. Please. Please. Go.

OFFICER: Hey I have one more over here. Where's Mike? Send one more over here. Ching can take one more. So one more go with Ching.

OFFICER: All right everybody start moving northbound out of this area.

PEREZ: Go. Let's go guys. I'll meet you guys back at the company.

OFFICER: Hey Ari, did you de-cock that?

PEREZ: Hey Mike, I - I gotta go fast.

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OFFICER: Yeah.

PEREZ: 'Cause I got ordered-

OFFICER: Ten- and where are they at and-

PEREZ: They're all going back to company.

OFFICER: With who?

PEREZ: With different officers who are transporting them right now.

OFFICER: Okay.

OFFICER: So I'll – I'll grab one?

PEREZ: Just grab one. Just start bringing them over. Just start bringing them all over there right now.

OFFICER: I know you got fuckin' cases already [unintelligible].

OFFICER: No I'll hitch a ride with somebody else.

OFFICER: Does he need a car?

OFFICER: You guys are good?

OFFICER: Yeah, that's it.

PEREZ: Just take em'. You know-

OFFICER: Hmm?

OFFICER: I'm just gonna go back and do all the public safety statements.

PEREZ: All right.

OFFICER: Do we have anything else?

PEREZ: Man, it's pretty simple. It's – it's northbound Capp, 22nd, no- no outstanding – suspects in custody. Um, suspect in trunk had a 2-21. Multiple shots- unknown how many were fired. Ah, we have a ah, actually three people, well including the ah, the that got shot, so three people in custody.

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OFFICER: Okay.

PEREZ: At this time.

OFFICER: Cool.

PEREZ: That's it.

OFFICER: All right.

OFFICER: Do we know if there's an officer out there with the guy laying down?

OFFICER: No there- no, I have an officer standing up there because the guy –

OFFICER: Okay. Thank you.

PEREZ: Oh yeah, yeah, yeah.

OFFICER: OIS?

OFFICER: Have we checked just the facts throughout just to make sure-

OFFICER: Yeah. [Unintelligible] and officers checking all the way down.

OFFICER: Do we have rifles and pistols?

PEREZ: Yeah.

OFFICER: Yeah.

OFFICER: So you think ten- ten officers discharged?

PEREZ: Ah, that number is right here. Smets, Carrol, Ish, Castillo, Chu, Nagi, Tupper-

OFFICER: O'Rourke.

PEREZ: O'Rourke and Cassinelli.

OFFICER: Count that for me 'cause I got to tell-

PEREZ: One, two, three, four, five, six, seven, eight, nine.

OFFICER: Okay.

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PEREZ: And you got one with a back, that was Santana.

OFFICER: And he didn't copy that.

PEREZ: You want me to read it to Josie?

OFFICER: Sure.

PEREZ: You got Smets, 253; Carrol, 987; Ish, 2035; Castillo, 1469; Chu, 1306; Nagi, 2715; Tupper, 4415; O'Rourke, 2214; Cassinelli, 1904; and then Santana with the back.

OFFICER: So was this the guy that was in the trunk?

PEREZ: Yeah.

OFFICER: Okay. So it sounds like he shot out of the trunk or do we know?

PEREZ: I don't even know. All I heard, I was just standing here, all I heard was – was-

OFFICER: Crazy.

PEREZ: Yeah.

OFFICER: Okay.

PEREZ: So there's also there's- I mean there's – What's up Glen? Join the fun here?

OFFICER: Yeah.

PEREZ: There's magazines-

OFFICER: And there's – there's casings everywhere.

PEREZ: Shells everywhere.

OFFICER: So I could-

PEREZ: All this should be cornered off.

OFFICER: Okay.

PEREZ: Is there-

OFFICER: There's two guys in custody?

PEREZ: There's a female and a male.

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OFFICER: They're in custody.

PEREZ: Why is he still here?

OFFICER: Not her. One and two, right?

OFFICER: Time out.

OFFICER: We need to get them out of here.

PEREZ: Yeah, yeah, yeah.

OFFICER: Yeah.

OFFICER: Is this person someone else?

PEREZ: And the female. I don't know what car she's in. He needs to get out. He needs to go.

OFFICER: I – I – that's what I said. I have somebody else to do it but it's gotta be up to these two. I have seven units on standby waiting to take him because the other question is where. That wouldn't even be a bad idea going somewhere where you guys can hold him.

OFFICER: Yeah.

OFFICER: You get what I'm saying? Hey-

OFFICER: Do you want us to do that?

PEREZ: Huh?

OFFICER: Maybe a victim or something.

PEREZ: A suspect.

OFFICER: Hey George, yeah, they're – hey, they're – they're going to Homicide anyway what- what reason do we have to take them to Mission?

PEREZ: Yeah, Glen should just – hey Glen-

OFFICER: That's my thought. Let me see-

PEREZ: Talk to Kelly.

OFFICER: He'll probably say that.

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PEREZ: There's Kelly over there. Hey, hey.

OFFICER: Any of your guys going back 98 to the officer before you come out here on scene?

OFFICER: Yeah, let's do that.

OFFICER: Do we have a [unintelligible] place.

OFFICER: I like that. Okay.

PEREZ: Give him the NIU-

OFFICER: Okay.

PEREZ: And then we'll just-

OFFICER: [Unintelligible].

PEREZ: Okay.

OFFICER: Hold em' for the witnesses. The officers will stay at Mission. All right.

PEREZ: Yeah. Officers there.

OFFICER: All right. Good. Perfect. Better.

PEREZ: And then they can –

OFFICER: In the front of 408.

PEREZ: Do you want to transport them?

OFFICER: Okay.

PEREZ: Or you want someone to-

OFFICER: Yeah, transport them.

PEREZ: No, no. We'll cage them up and then we'll-

OFFICER: I'm gonna have Southern do that.

OFFICER: Okay.

PEREZ: We'll cage-

OFFICER: Southern's gonna do that.

PEREZ: And then what we'll do is we'll-

OFFICER: I have one to take the X.

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PEREZ: And we'll have- and we'll bring em' in-

OFFICER: And they'll sit in your office.

PEREZ: And we'll sit- we'll bring-

OFFICER: You guys will meet them there. You guuys can meet em'-

PEREZ: Bring em' in the basement.

OFFICER: Bring em' in the basement.

PEREZ: And go up-

OFFICER: They can follow you out there. It's a - you know what? That's the same thing actually we did on ah, Alameda that day. It's the same exact thing.

PEREZ: Okay.

OFFICER: We detained, went down, followed the Inspector and waited-

PEREZ: Just bring em' down to NIU.

OFFICER: No reason for them to go to Mission.

PEREZ: No.

OFFICER: There's no reason to -

OFFICER: And sit in different tanks and whatever.

OFFICER: Okay. Okay.

PEREZ: 'Cause ultimately-

OFFICER: Okay. So-

PERES: So, all right let's get-

OFFICER: Is that a good to go, yes?

OFFICER: Yes. Let's take the witnesses to-

OFFICER: So Glen where is your car?

OFFICER: Over on Mission and [unintelligible]

PEREZ: I'll tell him.

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OFFICER: Should we have em' wash down the gas 'cause the ah-

PEREZ: Oh it's leaking isn't it?

OFFICER: Yeah.

OFFICER: Yeah.

PEREZ: Oh shit. That would be bad.

OFFICER: I'm gonna go to the station and deal with all the officers that are at the station.

OFFICER: Okay. Okay, thank you.

PEREZ: We're not supposed to turn our cameras off. Back at the company.

OFFICER: No, not until Homicide-

PEREZ: No.

OFFICER: Gets there.

OFFICER: Leave them running?

PEREZ: Leave them running.

OFFICER: David-2-04? I know everyone is listening but here's the deal. Everyone keep the cameras on until Homicide take them, all right. Here's another thing. All the radio cars that are on scene-

PEREZ: Shit.

OFFICER: Tune the engines off, that would work as well.

OFFICER: So we have these two bodies here. We gonna take em' back to Mission?

PEREZ: No.

OFFICER: Or we taking them-

PERREZ: Yes, yes.

OFFICER: NIU is gonna-

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OFFICER: Yeah, they're- the suspects are going to Mission until- suspects are gonna go to Mission until Homicide gets -so I just talked to Cagney.

OFFICER: Okay.

OFFICER: Oh so they said Mission.

OFFICER: Yeah.

OFFICER: Yeah.

OFFICER: All right.

OFFICER: For now. [Unintelligible].

OFFICER: All right. Okay, so I got the female in that car.

OFFICER: Okay, now she's in the car and she's getting checked up on the 408.

OFFICER: Okay.

PEREZ: And make sure that they are separated.

OFFICER: Okay.

PEREZ: And no one talks to them or-

OFFICER: Okay.

PEREZ: Has any interaction.

OFFICER: Okay.

OFFICER: And I have the female in the car. [Unintelligible].

PEREZ: Don't touch the- I wouldn't -I wouldn't yet till- man.

OFFICER: He's looking out the windows.

PEREZ: Oh fuck. You know thing can't hit- can't go where the car is [unintelligible] can it.

OFFICER: Oh just kinda like put like a little like tent

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over it?

PEREZ: Yeah.

OFFICER: Okay. I'll keep my phone on and I'll check back with you ah-

OFFICER: Just let's-

PEREZ: Yeah. And I'll-

OFFICER: [Unintelligible].

OFFICER: Yeah, yeah, yeah.

PEREZ: Actually is – it's gonna be on where the ambulance is.

OFFICER: David 300 is gonna be-

OFFICER: We've got a lot to see and I'm gonna go back-

PEREZ: Yeah.

OFFICER: Captain? Are you leaving- leaving anyone in command?

PEREZ: Yes.

OFFICER: Okay.

OFFICER: All right. Very good.

[Unintelligible]

PEREZ: Ah, they're all transported.

OFFICER: I'll be taking over command.

OFFICER: Thank you.

OFFICER: [Unintelligible]. Um, I pulled in ah-

PEREZ: Fuck.

OFFICER: I pulled in outside -I pulled in outside Sergeants [unintelligible] so two Southern sergeants –

[AUDIO STOPS FROM 27:52.7 THROUGH 37:53.9]

OFFICER: There was a unit trying to [unintelligible] A-1

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your radio is all static.

OFFICER: John-11-Edward

OFFICER: John-11 I think.

OFFICER: Can I get a CAD number?

OFFICER: The CAD number on your [unintelligible].

OFFICER: Mission Station [unintelligible] bring em' back [unintelligible].

OFFICER: [redacted].

OFFICER: Code 4 no merit.

OFFICER: 10-Marco stand by on that.

OFFICER: John-11-Edward just for your radio.

OFFICER: 10-4. Hey, just let them know to let me know before they come in 'cause we got to make sure we're situated out here before you bring her in.

OFFICER: John-11-Edward advising [unintelligible].

OFFICER: 10-4.

OFFICER: Hey Marco, they're gonna be 98 in a sec.

OFFICER: Yeah, 10-4, just make sure they don't come in till we're ah, we're situated. Um, Sugar is just working on the - working on clearing out the ah, station.

OFFICER: Okay, 10-4. Once she's out - 408.

PEREZ: Hey ah, 105 to Marco.

OFFICER: 105.

PEREZ: Hey we're pulling up now in the driveway with the male.

OFFICER: Yeah Sarge male is fine. He can come in through the um, booking area.

PEREZ: 10-4.

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OFFICER: Administration to Glen we're good now so she can come in whenever she gets here.

OFFICER: Okay, 10-4.

PEREZ: Guess I'm missing class tomorrow.

OFFICER: Answer your phone.

PEREZ: 97.

OFFICER: We're [unintelligible] right now.

OFFICER: [Unintelligible] that we're 97 on the transport.

OFFICER: [Unintelligible]

PEREZ: All right.

OFFICER: I'll take [unintelligible]-

PEREZ: Yeah.

OFFICER: I'll take him.

PEREZ: Here. Officer I'll take yours.

OFFICER: Okay, thank you. Appreciate it.

PEREZ: Fuck. God-dammit. Watch. Give it to me, give it to me. I'm gonna go through the front.

OFFICER: Okay.

PEREZ: Ah, I got yours [unintelligible]

OFFICER: Okay, thank you.

PEREZ: What the fuck man.

OFFICER: Mark can you open this up. [unintelligible]

OFFICER: Yeah, stand by.

PEREZ: Thanks guys.

OFFICER: Yeah.

OFFICER: First name?

[Unintelligible]

OFFICER: [Unintelligible] what's your birthday?

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PEREZ: Oscar, you're in one. You're in three.

OFFICER: Mark the Frank-61 picked up from [unintelligible]

PEREZ: Just gonna ask you some medical questions. Have you lost consciousness in the last 8 hours?

OFFICER: What you doin'?

OFFICER: [Unintelligible].

OFFICER: This is a copy of CAD for when you –

PEREZ: Oh yeah, so long.

OFFICER: It's a [unintelligible] question. I – I drove ah-

OFFICER: Santana back here.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER CALEB BOHANNON, #4005

DATE OF INTERVIEW: 09/14/2018

INV. CANDACE CARPENTER: This interview regarding DPA case number 0097-18 is taking place at the Department of Police Accountability on September 14, 2018. The time now is 3:36 p.m. Conducting this interview is myself, Investigator Candace Carpenter. I work for the Department of Police Accountability. I have been designated by the Police Commission to conduct this investigation. The member being interviewed is Officer Caleb Bohannon, star number 4005, who is a witness officer in this matter. For the record, I note that Officer Bohannon has handed me a DPA Administrative Interview Advisement form which bears his signature and star number and today's date. Officer Bohannon, with all these Advisements in mind, is there any reason you cannot go forward with this interview right now?

OFFICER BOHANNON: No.

INV. CARPENTER: Okay. Okay. Um, so this interview ah, how we're gonna -is gonna take place is you're just gonna tell me what happened very quickly. I'm not gonna interrupt. I'm just gonna allow you to just tell me what occurred from um, when you arrived at the scene, um, until ah, till you left. Um, then I'll start with background, ah, then we'll break down the incident-

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BOHANNON: Okay.

INV. CARPENTER: And what you witnessed and then we'll have a diagram at the end where you'll just, ah, draw a diagram of your location, other locations during the incident.

BOHANNON: Okay.

INV. CARPENTER: Okay. And did you review any documents to prepare for this interview?

BOHANNON: Um, just my CAD.

INV. CARPENTER: And have you reviewed any videos related to this incident?

BOHANNON: No.

INV. CARPENTER: And how many times have you been interviewed regarding this incident?

BOHANNON: Ah, just once.

INV. CARPENTER: And with whom?

BOHANNON: The Homicide investigators. I don't know their names.

INV. CARPENTER: And how long have you been employed by SFPD?

BOHANNON: From the start of the Academy?

INV. CARPENTER: Yes.

BOHANNON: Ah, [redacted].

INV. CARPENTER: And where are you currently stationed?

BOHANNON: Now at Park Station.

INV. CARPENTER: And how long have you been assigned at Park Station?

BOHANNON: Um, long time. Started at the end of June so – July and August- almost like two and a half months.

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INV. CARPENTER: And have you worked for any other law enforcement agencies?

BOHANNON: No.

INV. CARPENTER: And were you on duty March 6, 2018?

BOHANNON: Yes.

INV. CARPENTER: And what hours did you work that night- that day?

BOHANNON: Ah, I was on midnights. Ah, from nine to -was it 06? It's like my second week on the job when this happened.

INV. CARPENTER: Oh was it?

BOHANNON: Yeah. Second week in the field.

INV. CARPENTER: Okay. You'd already um, completed FTO?

BOHANNON: No. I was still an FTO.

INV. CARPENTER: You weren't FTO? And who was your FTO?

BOHANNON: Ah, Officer [Asheeda].

INV. CARPENTER: Okay. Um, so can you just tell me what happened, um- were you driving that night?

BOHANNON: Yes.

INV. CARPENTER: Okay. And why did you respond to the area of 21st and Capp Street?

BOHANNON: Um, I'll just start out how-

INV. CARPENTER: Yes.

BOHANNON: Okay. Ah, we were -I was doubled up with a classmate 'cause um, we were sharing an FTO for that night. So our FTO was sitting in the back of the car, I was driving and then my classmate was in the front. We initiated a traffic stop somewhere on 20th and Mission. And then we heard a call of a

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Code 33, ah, and we were listening and I was in the middle like my classmate was acting as a cover officer so he's watching the car and our FTO was standing off to the side and I'm running um, the people's information in the car on the passenger side. So I hear the Code 33, um, when the call came out and I turned to my FTO and I asked him, I was like, do you want to go to this? He's like, yes. So I immediately just grabbed their information, ran back to the car and said, have a nice day. Ah, then we left, drove, gave us a safe avenue approach. As we got there, um, there were already a number of units on the scene and then there was a car in the middle of the street. So, positioned the car so I could block off the streets so nobody could access it, the public, 'cause we didn't know what was going on and we didn't want anyone to, you know, walk in there or drive in there and get hurt. And when we exit the car, we - to my right there was an officer, I think Officer Roman, he was talking with two individuals. They only spoke Spanish. He was a Spanish speaking officer and I could overhear him saying that they had just said that they had just got robbed. Ah, and the guy that robbed him was the guy that's in the trunk of the car pulled over. So I immediately took out our guns 'cause now we know that it was um, a firearm involved and a robbery so that immediately elevated the situation and we walked up and we stacked with the other officers. Ah, at that time all I could see was the trunk half-cracked open with a guy in the trunk. Ah, he was only showing us his right hand. Um, there was – I can't remember -I don't know all the officers 'cause I was still new. Um, there was an officer giving him commands to show us

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your hands. Ah, he would like reach out and then reach in but he would never show us his left hand. And he kept doing that for a couple of – this all seemed very long but it happened in such a short period of time but he kept doing that and then my FTO, um, he was like, okay, this is not normal. We need to stack up so- 'cause we were kinda like in the line of fire. So we immediately tried to take cover and stack behind a car. Um, they continued to give him commands. "Show us your hands. Show us your hands." He would never show us the left hand. He would just – just keep making these weird movements. And my FTO is like, all right, he's like we need to do a better stack 'cause this guy's not ah, cooperating basically. Um, then at that point, Officer Banegas, she broke cover, she ran to the vehicle, 'cause she wanted I guess to translate it just in case I guess he spoke Spanish. So she started giving him the same commands in Spanish, "show us your hands." Blah, blah, blah. Um, still doing the same thing, not showing his hands. Um, and then all I remember is ah, it's like bringing back all these memories. Trunk kind of pops open and I hear him, he yells something like, fuck it, or fuck this. I see the muzzle of the gun come out and I see the flash. Immediately something hits me in the eye and we were retreat- we're kinda retreating to cover as the shot rang out. And I fall to the ground. And I just remember I couldn't feel my eye and after before that, let me- I forgot about an important part. Before the shot rang out, um- ah, I worked while all this was going on. Before ah, the suspect shot, ah, Officer Tupper, he said, "red light" which to us means less lethal. When you say "red light" less lethal, less lethal.

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They hit him with a less lethal round. He um, kinda was dazed. And they still continued to give him commands, give him commands. Um, and then that's when – he never showed us his hands. He went -he popped the trunk and muzzle, yelled "fuck it" and shot. I get hit, um, with something. I didn't know what it was at that time. Fell to the ground and think I lost my handcuffs and we're all like um, that's when all the fire- firing started to happen. It was all at once. It was – and then ah, the guy next to me, I don't even know his name- my FTO was kind of in front of me and it was another guy, an officer next to me and he asked me, are you all right? Are you all right? And I was like, I don't know. I was like, I can't – something hit my eye, 'cause I could barely open it. I was like, is my eye okay? And he looks at it and he says, yeah, 'cause I'm thinking, I don't know, I just got shot in the eye. Um, and then ah-

INV. CARPENTER: You can take your time. There's no rush, you know.

BOHANNON: No I'm just –

INV. CARPENTER: If you need to gather thoughts.

BOHANNON: It's just like bringing up all these memories. You know second week it was a lot to take in. Um, so after all of the rapid fire stopped, um, we get shields- I remember us getting the shields. We're approaching the car and they pop open the trunk and they get the guy out of the car and I think my FTO tells me to handcuff him. And I look down and I told him, I said, I don't have my handcuffs. When I fell I think they fell out. So somebody else handcuffs him. They

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immediately um, started doing compressions on him and then – after they handcuffed they started doing the compressions just for their safety. Ah, then we continued to clear the car and that's when I could see somebody in the backseat with their hands up. Well we couldn't see previously 'cause the windows were tinted. And she was screaming, um, and they got her out of the car. I don't know who. And then we cleared the rest of the car. And she was taken into custody. And then ah, cleared the rest of the car and then that's when Sergeant looked at my eye. It was bloodshot and she ordered me to get into the ambulance. She's like, something could be lodged in your eye. We don't know what it is. You have to go even though I was – that's basically what happened.

INV. CARPENTER: Okay. Um, who was the other – who was your classmate with you?

BOHANNON: Wyncoop. Officer Wyncoop.

INV. CARPENTER: How do you spell that? Do you know how to spell that?

BOHANNON: W-Y-N-C-O-O-P. He was not with us. He was – when we first arrived, he- there were people gathering on the other side, so since officers were- had their guns pointed, there were- he was trying to get the crowd to clear out 'cause he didn't want anyone to get hit 'cause we didn't know what was gonna happen. There was an incident going on and so he was um, clearing um, pedestrian traffic on the other side 'cause I had already blocked it on um, - what would that be? That would be the ah, north side. So he was trying to clear ah, traffic on the south side 'cause obviously people came out, they saw all

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the police officers and wanted to look and we just didn't want anybody to get hurt so he was trying to clear- help the other officers clear the street.

INV. CARPENTER: Okay. Um, you stated that you were with ah, your FTO Officer Asheeda, ah, were stacked? Where did you in initially stack?

BOHANNON: There were some cars so -there was a cop car right here and think there was another cop car here but then there was a row of cars here.

INV. CARPENTER: So when you say here- it um, let's look in the position of the um, like at the subject car, so was it on the right of the subject-

BOHANNON: It was gonna be on the right.

INV. CARPENTER: Right? Okay. So- or the left?

BOHANNON: Like if-

INV. CARPENTER: To the right of the subject-

BOHANNON: If I'm looking at the subject car?

INV. CARPENTER: Yes.

BOHANNON: I would have been to the right.

INV. CARPENTER: Okay.

BOHANNON: If that makes sense.

INV. CARPENTER: Yes. And you said you were- were you guys taking cover behind the parked vehicles or was it a patrol vehicle?

BOHANNON: First- ah not- it was a parked vehicle. First, we were like kinda like giving him commands cause we thought- we thought he would – he was gonna just give up.

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INV. CARPENTER: You were giving verbal-

BOHANNON: No, no, no, no. The, when I say us, San Francisco Police.

INV. CARPENTER: Okay.

BOHANNON: Whoever was on the P.A. I don't remember the officer on the P.A. They were giving him commands.

INV. CARPENTER: Okay. Were they in English?

BOHANNON: Yeah.

INV. CARPENTER: Okay.

BOHANNON: That was before Officer Banegas ran over when we first went out, they were in English. Um, and then I believe when he wasn't complying, my FTO was like, all right, let's stack and the I think Officer Banegas ran over and tried to give him commands in Spanish just in case he spoke Spanish. We didn't know. I didn't even – all I could see was, you know, I didn't know what the guy was, you know. Um, and so we kind of fanned out and we kinda stacked and tried to take as much cover behind the car but we still had eyes on the – and my FTO was in front of me more so he was more in the line of fire and then there was a guy next to him.

INV. CARPENTER: Do you remember who that person was?

BOHANNON: I don't remember. He would- he's – both my FTO and the other guy fired so I'm sure you – you guys would know who he is. He was standing next to Asheeda. I can't remember his name.

INV. CARPENTER: Okay. Um, do you recall – so how many parked cars were on the – the side? Do you recall?

BOHANNON: Estimate two to three maybe.

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INV. CARPENTER: Okay. Were you um, taking cover behind the – the first vehicle closest to the subject vehicle?

BOHANNON: No. It was um- I'd describe it as like a mini SUV, almost like a Honda SRV. I don't know. It was like a purplish. I can't remember. It was I would say 20 to 30 feet from the suspect vehicle.

INV. CARPENTER: Okay. And from um, your distance, were you able to see into the trunk?

BOHANNON: Yes. I could see everything.

INV. CARPENTER: Were you able to see the subject's face?

BOHANNON: Yes.

INV. CARPENTER: Um, so you said that ah, the commands were made in Spanish. Do you speak Spanish?

BOHANNON: No. I can understand it a bit.

INV. CARPENTER: Were you understanding Officer Banegas' commands?

BOHANNON: Yeah.

INV. CARPENTER: Okay.

BOHANNON: I took like five years of it. I don't practice it but I can understand any – I believe any person that's ever taken any sort of Spanish class could understand the sim-it was simple commands. It was- to me, I would [unintelligible].

INV. CARPENTER: Ah, do you recall who had the ERIW?

BOHANNON: Ah, it was Officer Tupper I believe.

INV. CARPENTER: And where were you um-

BOHANNON: From Tupper?

INV. CARPENTER: Yeah.

BOHANNON: He was to the left on the other side of ah,

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another patrol vehicle- I don't know if it was a patrol vehicle or a regular vehicle but he was on the other side of those, on the other side of the street angled at the car I believe.

INV. CARPENTER: Ah, do you recall how many officers were at the scene when you arrived?

BOHANNON: There was a lot.

INV. CARPENTER: Um, more than five?

BOHANNON: Yes.

INV. CARPENTER: More than ten?

BOHANNON: I don't- to be honest, I don't- it was a lot. There was a lot of us there. Like I said, I was new.

INV. CARPENTER: Ah, do you know who the highest-ranking officer at the scene was?

BOHANNON: Like that came on the scene or?

INV. CARPENTER: Yes. That was on scene prior to the firing.

BOHANNON: Oh prior to the firing?

INV. CARPENTER: Yes.

BOHANNON: No. It all happened so fast it was like a blur. That was like the last thing on my mind at that point.

INV. CARPENTER: Were there any sergeants at the scene prior to the – the firing of weapons?

BOHANNON: I don't recall. I don't – I – like I said, we were – when we arrived, we were focused literally on the car and we didn't take our eyes off that car. So I wasn't paying attention to if there were sergeants or who all – who other people. I can only hear the people that were giving commands. I saw Officer Banegas run over and I heard Officer Tupper yell

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the "red light" and [unintelligible].

INV. CARPENTER: Okay.

BOHANNON: Other than that, I was more focused on um, watching the car.

INV. CARPENTER: Um, did you have your firearm out the whole time?

BOHANNON: I had it out the whole time. It wasn't always pointed like when my FTO was in front of me- like when I got hit, I pulled back because I couldn't see so I didn't want to shoot another – a fellow officer so I pulled back to we call a sole position. When I fell I was in sole position but it was in my hand. The moment we found out that it was a robbery suspect with a gun.

INV. CARPENTER: And did um, Officer Asheeda tell you to pull out your weapon when you got to the scene? Did he give you any instructions?

BOHANNON: I can't even remember.

INV. CARPENTER: Was that the first phase?

BOHANNON: I remember him giving us – huh?

INV. CARPENTER: Is that first phase? First phase?

BOHANNON: Second week. I just remember him telling us to stack. I don't- I remember that clearly. He was giving us instructions on how to stack and get a better position so we wouldn't get hurt. And then I remember him after the whole incident, he was like, where's your classmate? Find Wyncoop. So that's after we had cleared the car and all that. I wanted to go find my classmate to make sure he was all right. And then I got taken to the hospital.

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INV. CARPENTER: Um, you said that you could see ah, the subject's face in the vehicle. Can you describe um, his attitude and demeanor or his facial expressions?

BOHANNON: He seemed like he – I don't know, like he didn't care. Um, I don't know how else to describe him cause he wasn't obeying our commands. Um, they are, I mean whoever was voicing them, the SFPD commands. Um, and then when he got hit with the RW, he kinda – he looked dazed and the he took a few minutes and then they gave him more commands, more commands, and then when he popped the trunk and he did that, he just said, "fuck it" and kinda looked angry.

INV. CARPENTER: Did he ever say anything prior to- the statement he made prior to firing?

BOHANNON: While I was on the scene?

INV. CARPENTER: Yes.

BOHANNON: No. It was like "fuck it" or "fuck this" or something.

INV. CARPENTER: Um, were you able to ah- when you initially got on the scene, there were – was there a lot of commands being given to Mr. Duarte?

BOHANNON: Ah, I can't recall. I do remember people saying, show us your hands. Show us your hands. And then one person taking over. I don't know who the person is on the speaker just to speak clearly to him and then Banegas taking over in Spanish. And then the red light. Um, I can't recall.

INV. CARPENTER: Did you change positions from the – the Honda CRV?

BOHANNON: What –

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INV. CARPENTER: Did you guys leave that – did – you said you were stacked, did you ever move-

BOHANNON: We at first we were-

INV. CARPENTER: Closer or did you-

BOHANNON: We- first we were fanned out and we were open and then we kinda stacked behind the – so that's how we moved. We moved to cover because he wasn't following the commands because then that's when my FTO is like, this is weird. This is not normal. We need to stack.

INV. CARPENTER: And was it just yourself and Officer Asheeda fanned out?

BOHANNON: No. It was myself, Officer Asheeda, there was another officer -there were several officers prior- I don't remember their names cause that was my second week and I had - yeah, that was my second week. I didn't know all their names.

INV. CARPENTER: And were you guys all in sync? Did someone tell you guys to –

BOHANNON: Officer Asheeda pretty much said, stacked. Um, and we kinda-

INV. CARPENTER: For everyone essentially or just for you-

BOHANNON: The ones that were on our side.

INV. CARPENTER: Okay.

BOHANNON: Um, he couldn't talk to all the other people while it was going on. He was trying to get us to have a better position.

INV. CARPENTER: Did you guys discuss any tactics or a plan when you arrived to the scene?

BOHANNON: No cause we didn't know what we were walking

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into initially. It wasn't until we got out of the car and we saw Officer Roman talking to the – to the ah, victims that said they had just got robbed and the guy got a gun then we knew, okay. And they said they saw the gun so um, we knew- then, that's when we knew what it was and took out our weapons. I can't remember if he told me to take it out or I take it out just because everyone started taking them out. And we walked up – we approached and-

INV. CARPENTER: Was there one officer that took command and instruction at the scene?

BOHANNON: During which part?

INV. CARPENTER: Um, when you first arrived.

BOHANNON: When I first arrived, it was just a lot of officers out and um, I can't remember if there was an officer in charge or – I do remember one officer on the P.A. giving him commands. And then I do remember ah, Officer Banegas running over to give him commands in Spanish while everybody else was quiet. And then I remember the red light, less lethal but can't recall [unintelligible].

INV. CARPENTER: You said you can't recall or you – do you ah, know the other officers' names who were at the scene?

BOHANNON: Some.

INV. CARPENTER: Some? Um-

BOHANNON: 'Cause I was in a previous class, um, for I had got injured and then they put me in another class that's why – so it was some of my previous classmates that were on the scene.

INV. CARPENTER: Okay.

BOHANNON: That's why I knew Officer Tupper 'cause he was

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in my previous class. Um, but the other ones I had only been there two weeks and different watch off groups, different people, you don't know everyone's name.

INV. CARPENTER: Okay.

BOHANNON: Or at that time. I wouldn't have known all their names.

INV. CARPENTER: Okay. Um, when you're fanned out, um, and you guys are focused on Mr. Duarte, um, how close um, were you to Officer Steven Cassinelli?

BOHANNON: I don't know him.

INV. CARPENTER: You don't know who Officer Cassinelli is?

BOHANNON: I don't know the- like I said, I don't know their names.

INV. CARPENTER: It's okay if you- you don't. Yeah.

BOHANNON: I don't know their names. I would have to see the face or something.

INV. CARPENTER: Okay. How close were you to Officer Corvin ah, Carroll?

BOHANNON: I don't know that name.

INV. CARPENTER: And how close were you to Officer Chu?

BOHANNON: I don't know that name.

INV. CARPENTER: You were right next to Officer Asheeda? Correct?

BOHANNON: Asheeda.

INV. CARPENTER: Um, how close were you to Officer Juan Castillo?

BOHANNON: Don't know that name.

INV. CARPENTER: How close were you to Officer Nicholas

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Nagi?

BOHANNON: Ah, I don't know that name. I know the name but I don't remember where he was located.

INV. CARPENTER: Okay. How close were you to Officer Shawn O'Rourke?

BOHANNON: O'Rourke. Have you already met with them –

INV. CARPENTER: No.

BOHANNON: And described – can you describe them?

INV. CARPENTER: No it's okay if you- if you can't recall. I mean-

BOHANNON: I want to say he was the one right next to me but I could be mistaken. He has a buzz cut, short white guy. If that's the one I'm thinking of, possibly he was next to me.

INV. CARPENTER: Ah, how close were you to Officer Kolby Smets?

BOHANNON: Um, Smet?

INV. CARPENTER: It's Smits, ah, S-M-E-T-S.

BOHANNON: No, I don't know that name. Sorry.

INV. CARPENTER: How close were you to Officer Ari Smith-Russic?

BOHANNON: Russic, ah, about a car length ahead of me. He was a classmate of mine.

INV. CARPENTER: And how close were you to Officer Brian Santana?

BOHANNON: [NO ANSWER]

INV. CARPENTER: How many rounds, um, how many R- ERIW rounds did Officer Santana fire at Mr. Duarte?

BOHANNON: Officer Santana?

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INV. CARPENTER: Or how many rounds were fired at Mr. Duarte?

BOHANNON: Um, I think one if I could remember.

INV. CARPENTER: And do you know how – how did or how did Mr. Duarte respond after being shot with the ERIW?

BOHANNON: He seemed like it caught him by surprise, like he was dazed. It seemed like it made him angry I think.

INV. CARPENTER: Did he communicate after being shot with the ERIW?

BOHANNON: That's- the only thing after that was him popping open the trunk and the gun and yelling, "fuck it, fuck this".

INV. CARPENTER: Who fired their handgun first?

BOHANNON: I don't know.

INV. CARPENTER: Was your view ever um, impeded, obstructed?

BOHANNON: During which part?

INV. CARPENTER: Ah, during the shooting or up to the shooting.

BOHANNON: Um, like the suspect shooting at us?

INV. CARPENTER: Um, yes. When- before the gunfire, was your- was your vision obstructed?

BOHANNON: No. I'm sorry, I don't- cause I got hit and I fell after and that's when all the bullets rang out so that's-

INV. CARPENTER: Okay. Did you- did you hear the bullets-

BOHANNON: Yeah.

INV. CARPENTER: First? Or did you see the flash first?

BOHANNON: I saw the flash, the muzzle of the gun and a

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flash and the bang. And that's -immediately I fell and then I heard the bullets.

INV. CARPENTER: Was your door hit?

BOHANNON: I don't know what was hit. Something, all I know is something hit me in the eye, knocked me to the ground and my vision was- on my left side- was like blurry.

INV. CARPENTER: Um, was there an officer to the left of you?

BOHANNON: To the left of me?

INV. CARPENTER: Yes.

BOHANNON: Yeah, I think that was O'Rourke. I believe if that's the little white guy with the buzz cut. Sorry. It was my second week. What can I say? I don't know all the names.

INV. CARPENTER: Why did officers stop firing their weapons?

BOHANNON: Why did they stop? Um, cause -I can't speculate why they stopped but um, probably to access the situation I would assume.

INV. CARPENTER: Um, were they given commands to stop? Did anyone yell stop firing?

BOHANNON: I don't remember.

INV. CARPENTER: Ah, when you cleared the vehicle, ah, do you recall which officers were with you when you cleared the vehicle?

BOHANNON: My FTO and possibly Officer O'Rourke, if that's the guy I'm thinking of.

INV. CARPENTER: So the officer to the right of you?

BOHANNON: To the left.

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INV. CARPENTER: To the left of you.

BOHANNON: If I had a photo lineup it'd be better.

INV. CARPENTER: So you, your FTO, the officer on your left and did anyone else assist?

BOHANNON: Somebody, yeah, I don't know their name. Can't remember who.

INV. CARPENTER: Okay.

BOHANNON: It all happened so quickly.

INV. CARPENTER: Okay. Um, I think you stated in your- in your summary that you didn't know there was someone else in the - an occupant in the backseat of the vehicle?

BOHANNON: Yes.

INV. CARPENTER: Okay. Um, was she only visible when you approached the vehicle?

BOHANNON: She was only visible after- yeah, after the gunfire, after they stopped, cause the - the ah, the back window got shot out. The back window was tinted. And then that's when I saw someone in the back raising their hands and screaming.

INV. CARPENTER: Were there any pedestrians in the backdrop?

BOHANNON: Yeah. Like that's where my classmate was trying to - I think he had got them far away enough but they were trying to come so that's what he was I believe clearing- clearing them out of where it started.

INV. CARPENTER: Were there any officers behind you?

BOHANNON: I'm sure, yeah.

INV. CARPENTER: Okay.

BOHANNON: I wasn't looking behind me.

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INV. CARPENTER: Um, did any gunfire come from behind you-

BOHANNON: Behind me? No.

INV. CARPENTER: Forward?

BOHANNON: We have like a training like another officer is in front of you don't have a clear shot, you don't shoot cause you can hit an officer so nothing came from behind.

INV. CARPENTER: Was there any ah, communication um, on the radio, ah, when you first arrived at the scene?

BOHANNON: No because they called a Code 33. I don't know. I can't remember. Code 33 every radio traffic cease and they use it for a specific situation. I can't remember. I was still second week in, earpiece still trying to know what they're saying all those codes mean so I don't know. I couldn't tell you.

INV. CARPENTER: And did you activate your body- did you have a body-worn camera?

BOHANNON: Yeah.

INV. CARPENTER: Okay. And did you activate your-

BOHANNON: Yes.

INV. CARPENTER: And when did you activate your body-worn camera?

BOHANNON: I think as soon as I exited the vehicle.

INV. CARPENTER: Okay.

BOHANNON: I'm not too sure. It was on for sure.

INV. CARPENTER: Um, do you know how many shots were fired?

BOHANNON: No. A lot.

INV. CARPENTER: More than ten?

BOHANNON: I would say so.

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INV. CARPENTER: More than twenty?

BOHANNON: Have no- I couldn't give you – a lot were fired.

INV. CARPENTER: Okay.

BOHANNON: Cause there were a lot of officers on scene.

INV. CARPENTER: Is there any other statement relevant to this incident that you wish to make at this time?

BOHANNON: Do you have any more questions?

INV. CARPENTER: No. Um, are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf? You have to speak for the record.

BOHANNON: No. No.

INV. CARPENTER: Okay. The interview is concluded. The time now is 4:15 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER MILEN BANEGAS, #963

DATE OF INTERVIEW: 09/14/2018

INV. CANDACE CARPENTER: This interview regarding DPA case number 0097-18 is taking place at the Department of Police Accountability on September 14, 2018, at 2:04 p.m. Conducting this interview is myself, Investigator Candace Carpenter. I work for the Department of Police Accountability. I've been designated by the Police Commission to conduct this investigation. The member being interviewed is Officer Milen –

OFFICER MILEN BANAGAS: Milen.

INV. CARPENTER: Milen, ah, Banegas?

BANAGAS: Banegas.

INV. CARPENTER: Ah, star number 963. And she is a witness officer in this matter. And Officer Banegas I provided you a DPA Administrative Interview Advisement form and for the record I note that Officer Banegas has handed me the DPA Administrative Interview Advisement form which bears her signature and star number and today's date. Um, and based on the Advisements, um, and the Interview Advisement form, um, is there any reason you cannot go forward with this interview right now?

BANEGAS: No.

INV. CARPENTER: Okay. And really quickly, um, did you review any documents to prepare for this interview?

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BANEGAS: Um, I did. The CAD, um, computer automated dispatch thing and also the, ah, police report.

INV. CARPENTER: Okay. And have you, ah, reviewed any videos related to this incident?

BANEGAS: I did not review any videos. Um, I did review the audio.

INV. CARPENTER: Okay. And how many times have you been interviewed regarding this incident?

BANEGAS: Once, um, by Homicide.

INV. CARPENTER: Do you recall when you were interviewed by Homicide?

BANEGAS: I don't recall.

INV. CARPENTER: Okay.

BANEGAS: That was the audio that I reviewed.

INV. CARPENTER: Okay. Um, as time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident?

BANEGAS: No.

INV. CARPENTER: And how long have you been employed by SFPD?

BANEGAS: Since [redacted].

INV. CARPENTER: And where are you currently stationed?

BANEGAS: Ah, Mission Station.

INV. CARPENTER: And how long have you been assigned to Mission Station?

BANEGAS: Since September of 2015.

[redacted]

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[redacted]

INV. CARPENTER: And at that time, were you um, certified with DHR as a proficient um, language in Spanish?

BANEGAS: Not through San Francisco State University Police. Um, that was shortly before coming to SFPD.

INV. CARPENTER: Okay. And did you provide bilingual services for San Francisco State Police as a dispatcher?

BANEGAS: As a dispatcher, um, I don't recall.

INV. CARPENTER: Okay.

BANEGAS: Yeah. Very possible but I don't recall.

INV. CARPENTER: And were you on duty on March 6, 2018?

BANEGAS: Yes I was.

INV. CARPENTER: Okay. And what was your assigned sector? Do you recall?

BANEGAS: I was ah, David-11-David.

INV. CARPENTER: And do you recall what time you arrived at work that day?

BANEGAS: Ah, I worked swing shift so we'd begin at 1600 hours which is four p.m.

INV. CARPENTER: And did you make lineup that day?

BANEGAS: Yes.

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INV. CARPENTER: And did you have a partner?

BANEGAS: Yes. Um, it was my recruit, um, last of Andaluz.

INV. CARPENTER: And how – how do you spell Andaluz?

BANEGAS: Um, I'd have to write it down. A-N— A-N-D-A-L-U-Z. Andaluz.

INV. CARPENTER: Okay. And so were you an FTO at the time?

BANEGAS: Yes.

INV. CARPENTER: Are you still currently a field training officer?

BANEGAS: Yes I am.

INV. CARPENTER: And do you wear glasses?

BANEGAS: I do.

INV. CARPENTER: Um, and are you near-sighted or far-sighted?

BANEGAS: I am near-sighted 'cause I can't see far.

INV. CARPENTER: Okay. Ah, and do you wear ah, prescription contact lenses?

BANEGAS: I do.

INV. CARPENTER: And were you wearing them that night?

BANEGAS: Yes I was.

INV. CARPENTER: And so you speak another language other than English?

BANEGAS: I speak Spanish, yeah.

INV. CARPENTER: Do you speak any other languages besides Spanish?

BANEGAS: Just Spanish and English.

INV. CARPENTER: Okay. And are you certified by the Department of Human Resources as having proficiency in the

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Spanish language?

BANEGAS: Yes.

INV. CARPENTER: And does DHR, um- and does the DHR test ah, test your written and verbal proficiency in Spanish?

BANEGAS: It- the test at the time I took it was um, verbal. Yeah, there was no ah, written or um, reading.

INV. CARPENTER: Okay. And can you explain the DHR certification process from what you know?

BANEGAS: Yes.

INV. CARPENTER: From an officer's perspective essentially.

BANEGAS: Yes. Um, we submit um, a memorandum requesting to take the test. Um, we get appointed a date and time to show up for the test. Um, the test consists of, you know, an instructor, um, who's administering the test and there are scenarios, um, set on the table kinda the way that we have these papers, um, and you select one of the scenarios and the instructor will, you know, give you um, words or give you the scenario of what is occurring like if there were a robbery, um, in our case, it would be, you know, you have this victim describing the suspect to be wearing these clothes and so they would ask you to just interpret that from English to Spanish. But it was not from Spanish- written in Spanish to English.

INV. CARPENTER: And was your scenarios based on your job? So were they all – were they all law enforcement related scenarios?

BANEGAS: They were law enforcement related scenarios. Um, we were only allowed to select one of the three.

INV. CARPENTER: And do you have to renew your language

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certification with DHR?

BANEGAS: Not to my knowledge.

INV. CARPENTER: And when did you receive your certification?

BANEGAS: When I entered- shortly after entering the Department, um, either in 2007 or 2008.

INV. CARPENTER: And do you receive bilingual pay?

BANEGAS: I do.

INV. CARPENTER: Okay. And as a Spanish bilingual officer, do you have added responsibilities while you're on duty?

BANEGAS: You do. That's to assist your colleagues in conducting interpretation for witnesses or just citizens in general or victims, um, even suspects.

INV. CARPENTER: Okay. Um, so do you have to language translation or do you only do language um, interpretation? So do you interpret or –

BANEGAS: Can you clarify?

INV. CARPENTER: So do you interpret um, just the verbal-

BANEGAS: Yes.

INV. CARPENTER: Person or do you have to do the translation which is the written?

BANEGAS: Um, we are asked to -when a victim writes out or a witness writes out their statement in Spanish, we are asked to um, translate what they're saying into English and put that into a statement for the officer doing the investigation so they understand what the victim was saying.

INV. CARPENTER: And do you receive additional training in the Academy for translation or interpretation?

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BANEGAS: No.

INV. CARPENTER: And how often do you, ah, translate while working? Oh, I'm sorry. Or interpretation? Translation and interpretation, we'll say them both.

BANEGAS: Sure. Um, interpretation is conducted daily. Um, there's a great demand in the community to have a bilingual speaking officer and not just in Spanish- in various languages. Ah, translation um, isn't as frequent. Hard to put like a percentage but it's not as frequent.

INV. CARPENTER: And how did you learn how to speak Spanish?

BANEGAS: Um, well I was born in Honduras. Both parents ah, were Spanish speakers so I actually grew up um, speaking Spanish before I did ah, English.

INV. CARPENTER: And when you're not working, how often do you speak Spanish?

BANEGAS: Ah, daily with my mom.

INV. CARPENTER: Ah, prior to working for SFPD, did you have any translation training?

BANEGAS: No translation training.

INV. CARPENTER: Prior to working for SFPD, did you have any interpretation training?

BANEGAS: Um, I guess practice. I don't, um, I -growing up I would interpret for my mother everywhere we went, um, until she felt comfortable enough to speak English, um, going places without me. But um, that was kinda where it all began at home.

INV. CARPENTER: And have you received a Spanish

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proficiency ah, certification from another jurisdiction?

BANEGAS: I have not.

INV. CARPENTER: And have you received CIT training?

BANEGAS: I have.

INV. CARPENTER: And have you received Advanced Officer Training?

BANEGAS: Yes.

INV. CARPENTER: And have you received De-Escalation Training?

BANEGAS: Yes.

INV. CARPENTER: And have you received training on crisis negotiation?

BANEGAS: Negotiation?

INV. CARPENTER: Yes.

BANEGAS: No.

INV. CARPENTER: Okay. And so now we're gonna get to the point where you're just gonna tell me what happened, um, from beginning to end, what you recall about that incident.

BANEGAS: Okay. Um, you mean like super details?

INV. CARPENTER: Super detailed, like from when you left the station, you're out on the street, start from there.

BANEGAS: There's – there's a lot.

INV. CARPENTER: Okay.

BANEGAS: So, um, I was on duty working, um, with a recruit. We were patrolling um, the area primarily, like one of our hot spots is 16th and Mission, and um, I recall when the -we were just patrolling – I was passenger. My recruit was the driver. But I recall while we were patrolling, um, in that

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area, you know, within blocks of there, I recall hearing one of our midnight units broadcast, um, a Code 33 that they had a 2-11, 2-21, Spanish speaking victim. Um, I remember telling my recruit, let's head to - in that direction. Um, being a Spanish speaking officer, um, that's always a - a priority for me. Um, so I head in that direction and while we are in route, I remember we were a couple blocks away. We weren't that far. And I remember while we were in route, um, the unit broadcast that they had a subject in the trunk of a car, um, and they were affecting a traffic stop. They were giving -I should say they were affecting a felony stop, um, but they were giving, um, instruction for other officers that were responding, um, a safe avenue of approach. And I remember when my recruit and I arrived on scene, we were actually the third marked car so um, the primary patrol car was directly behind the suspect vehicle and the distance between the front bumper of that primary patrol car and the rear bumper of the suspect vehicle was less than a car length away. Um, kind of to the left of that primary patrol car, there was um, a marked police car that was kinda diagonal and I could see that there was a Latin male in the rear compartment with the door closed. There were officers out with their handguns. Um, I could see to the right where we were positioning our patrol car, um, which was closest to like, um, the cars that were parked along the curb line. Um, I could see that there was a crowd, um, of citizens on the sidewalk that were too close. So, I remember as I exited, trying to clear that sidewalk and ask the- asking the citizens, some who were filming, um, you know, video taping with their camera, um, that

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they needed to go back to the corner, um, which still wasn't far enough but better than as close as they were. So I just remember we were, you know, we were directing the crowd on the sidewalk to the corner of 21st and Capp. There was in the crowd, um, you know, everybody's kinda talking to each other, they're active, you know. I don't remember exact words but you know, people were filming and they were very excited about what was happening. I could see two Latin males that were extremely quiet and they were just staring at me and um, I just approached them and asked them, you know, what their involvement was and one of them, you know, it was almost like he was relieved, thankful that I had asked. Um, he started to point at his chest and he was telling me, I was the one that got robbed. He put the gun to my chest, he asked me for the money. I gave him the money. And, you know, like he's pointing in the direction of the suspect vehicle. So as we get him to the corner, additional officers are arriving. Ah, one of the additional officers that arrives is also a field training officer, Roman. And so when um, he arrives, I know Roman is also, um, a certified um, translator through DHR so I ask him if he can secure and speak to these two victims because I could hear from the area of the traffic stop some officers yelling and shouting. Um, they need a Spanish speaker. So I tell Roman, like hey, they're – they're saying they need somebody that speaks Spanish. Do you mind just, you know, staying with the victims? Um, I'm gonna go help out over there. And he's like, yeah, sure. So, he takes- he takes care of the victims. I run over to the primary patrol car that is directly behind the suspect vehicle. The – the

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passenger side door was open completely. The window was rolled down. There was an officer behind that door with his rifle um, seated on that windowsill. And I could see his focus. So I remember telling him like, hey, I'm just gonna get on the P.A. Like I'm – I don't know my exact words but I – I just remember telling him like, hey, it's me. I'm gonna do translation or interpretation. So I just remember my – my thought process was, I need to instruct the occupants in the car to do something. And so I could hear all the other officers um, shouting commands in English and I could hear Officer Santana, who was on the driver's side of that primary patrol car, um, with the less-lethal, shouting commands in Spanish. So it's chaotic. Everyone's drowning themselves out. I don't know that the occupants are hearing any of these commands but I just remember somebody saying, hey, we need a Spanish speaker. I go there. I get on the P.A. and I began to communicate to the guy in the trunk because I could not see anybody else in the car, I could only see the guy in the trunk. I knew that there was a Latin male in the backseat of this patrol car over here on the left but there was no other -there were no other heads visible inside the car. The windows, I don't recall them being tinted. The guy in the trunk of the car has his body um, slightly angled in the trunk where his torso, his, you know, his head, his – his shoulders, his torso, um, his buttocks and the majority of like his thighs were inside the trunk of the car but his feet from like his knees down, were hanging out and the angle of where I could see him, um, I- he had his right hand holding the trunk of the car and he was manipulating the hood of his trunk up and

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down with this right hand and you could see that his left hand was completely extended and you couldn't see far enough into the trunk to see what was in his hand but he wouldn't show his left hand. And so I just remember giving him instruction to show his hands, and he would show his right hand um, and I remember telling him, no, show your left hand, and um, he didn't and he kinda would, you know, shift his shoulders when he's manipulating the hood. And I told him that um, he was gonna get struck or hit with a bullet. Um, and that's when he – the less-lethal beanbag deploys – excuse me- and it hit- it hits him I could see- excuse me- I could see that it hits him in his right shoulder. And before he's struck with this um, I could see a range of emotions that he's going through. We're in close proximity like it just- like I felt like he was like the distance between you and I. I could see everything on his face. And he went from appearing as if he wanted to cry to like this blank stare to I remember him doing like the rosary- like the, you know, um, for Catholics how, you know, they kinda do the –

INV. CARPENTER: Sign of the cross?

BANEGAS: The sign of the cross. Um, and when he gets- when he was struck with this, you know, beanbag, suddenly his- his facial expression changed. It was rage. He was angry. And I remember him shouting but I don't remember what he said and I remember that he just in like a simultaneous motion, rolled his shoulders while lifting the hood of this car, coming out and I could see something in his left hand. And um, because of my position behind the – the doorframe on the passenger side- I was between the officer who was – who's standing in the -behind the

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actual door. So there was an officer behind the actual door and I was standing between him and the frame of the car. So I was right in the A-frame. And when I saw him roll out, I remember I needed to take cover a little further down and I could hear officers saying, you know, he's got a gun, he's shooting at us and um, then just a bunch of gunfire. From that point, gunfire ceases. I raise my head back up and suddenly a head pops up in the backseat of this car. I didn't even know there was another person inside of it. It's a female I could see. And she's got her hands up and they're trembling. I mean she's shaking. I'm asking her to keep her hands up and to exit the car. And I- and I'm doing this still in Spanish. And I remember her saying, I do not speak Spanish. And so I then shift from speaking Spanish to English and I ask her to step out and her hands are shaking. She says, I can't move. And so my thought is she must be hit. She was frozen in fear. She wasn't hit. Inside the car was also a dog. We didn't know. At least I didn't know. Um, I can't really speak for any of the other officers. But we had officers approach the vehicle on both the passenger side and the driver's side to make sure that the scene was safe. Nobody else was inside. They escort her out. They escort the dog out. Escort the suspect out of the trunk. Um, and from that point forward, ah, I recall one of the Sergeants came on scene and began to give instruction, um, direction to people who – who didn't have duties at that time, you know, setting up crime scene tape, trying to get statements from any of the witnesses, etcetera. And – and that was it.

INV. CARPENTER: Okay.

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BANEGAS: I remember I didn't – I didn't pull out my gun because, you know, everybody – everybody was already set up and I was confident in everyone's abilities to stop the threat cause we've all gone through the same training. So um, that was – I remember listening to the audio interview with Homicide and I kept repeating that this all happened in less than a minute. In real time, that's how quickly it all happened. It- there was - there was, you know, I remember the next day seeing the audio or not the audio but the – the videos that people were putting out on social media and how that appeared to look as if we had all kinda time to set this up and instruct and direct- that whole scene transpired in my mind at that time in less than a minute. That's how quickly it was. But in actuality, when you're reading the CAD, um, there was more time than what appeared in that moment. It happened very quick. Very quick.

INV. CARPENTER: Okay. Drink some water.

BANEGAS: Sure.

INV. CARPENTER: So much.

BANEGAS: Yes.

INV. CARPENTER: Okay. Um, did you have anything else to say just kind of about um, your recollection just based on just getting out what you saw and what occurred?

BANEGAS: I have to think about it.

INV. CARPENTER: Okay. [Unintelligible] questions 'cause you [unintelligible] them and your-

BANEGAS: Sure, sure.

INV. CARPENTER: A description of what happened. Do you recall who was there when you first arrived? You said you were

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the third unit that arrived.

BANEGAS: I don't know who – who was in the prim- who was set up at the primary car or who was set up at the secondary car. INV. CARPENTER: Ah, when you first arrived, did you um, ah, recognize any of the officers on scene when you first arrived?

BANEGAS: I did.

INV. CARPENTER: And who were the officers?

BANEGAS: Um, I recall seeing Santana and I recall seeing ah, Officer Cody.

INV. CARPENTER: Ah, is that Officer Smets or Officer Cody is the last name?

BANEGAS: Ah, Cody – Cody is the last name, yeah.

INV. CARPENTER: Cody, okay.

BANEGAS: C-O-D-Y.

INV. CARPENTER: Okay. And do you recall where you saw them? What their position was?

BANEGAS: Um, when I exited the patrol car, Officer Cody ah, was assisting me and – and moving the citizens on the sidewalk to the corner.

INV. CARPENTER: And where was um, Officer Santana?

BANEGAS: Um, after I left the corner with the victims, um, with Officer Roman, I remember when I ran to the primary patrol car that I didn't know who the officer was with the ah, rifle on that passenger side, but I remember hearing and seeing Santana with the less-lethal at the driver's side.

INV. CARPENTER: Okay. Um, would that be on your left side would be Officer Santana?

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BANEGAS: That would be- yeah. He would have been on my left 'cause he was on the driver's side of that car.

INV. CARPENTER: And then there was another officer with the rifle?

BANEGAS: There was an officer in that door, um, with the rifle.

INV. CARPENTER: Ah, do you know who the officer was?

BANEGAS: I found out after the fact.

INV. CARPENTER: Okay.

BANEGAS: At the time I had no- I- I had no clue who that was.

INV. CARPENTER: Okay. Ah, and who was the officer after you later found out?

BANEGAS: That was Officer Tupper.

INV. CARPENTER: Tupper. Um, had you heard any of the orders given to um, ah, Mr. – we're gonna refer to the subject as Mr. Duarte who was in the trunk of the vehicle. Um, did you hear any of the commands in um, that Mr. Duarte was given in English?

BANEGAS: I don't recall exact words. I just remember hearing both the English and Spanish drowning each other out and thinking, how can – if I can't understand how can they understand.

INV. CARPENTER: And who was speaking in Spanish?

BANEGAS: Santana.

INV. CARPENTER: Do you recall what Officer Santana was saying in Spanish?

BANEGAS: I don't.

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INV. CARPENTER: Ah, who was the highest-ranking officer at the scene?

BANEGAS: I don't-

INV. CARPENTER: When you initially got there.

BANEGAS: I don't know. When – when I initially arrived, I just assumed that it was me but I don't know. Um, when Officer Roman arrived, I know that he's senior to me so it would have been him.

INV. CARPENTER: Were any Sergeants at the scene?

BANEGAS: Not until, to my knowledge, not until ah, the less-lethal was deployed or after- after the less-lethal was deployed.

INV. CARPENTER: Ah, do officers need Sergeants' approval to deploy the less-lethal?

BANEGAS: No.

INV. CARPENTER: Do you recall who was providing the lethal cover for the less-lethal? Or – yeah.

BANEGAS: Um, I'd imagine any one of the officers that were, you know, already set up behind – behind ah, the suspect vehicle.

INV. CARPENTER: Can you kinda describe the lighting conditions?

BANEGAS: It was ah, street lights. Patrol vehicle lights. Um, 'cause it was night time. This was after ten o'clock so it was just um, street lights with the patrol vehicle lights and that's it.

INV. CARPENTER: Was there any light um, directly into the trunk? Were you able to see um- was there a spotlight- the

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vehicle spotlight, was it directed at the trunk?

BANEGAS: I don't know.

INV. CARPENTER: Okay,

BANEGAS: I do – I do remember lights facing the trunk, um, but I couldn't tell you if that was the headlight or spotlight or people's flashlight. I don't- I don't know where the light was being generated from.

INV. CARPENTER: How was the visibility?

BANEGAS: Um, it was very clear, um, you just couldn't see deep into the trunk.

INV. CARPENTER: Ah, did anything obstruct your view of Mr. Duarte?

BANEGAS: No.

INV. CARPENTER: Um, could you see the color, make and model of the vehicle?

BANEGAS: I could.

INV. CARPENTER: And what was the color, make and model of the vehicle?

BANEGAS: It was a Honda Civic, um, black in color.

INV. CARPENTER: Um, you stated, um, that you could see ah, Mr. Duarte's face?

BANEGAS: Yes.

INV. CARPENTER: Um, could you tell about his age?

BANEGAS: He looked young. Um, early 20s.

INV. CARPENTER: Ah, because you could see him, do you believe that he could see you?

BANEGAS: Yes.

INV. CARPENTER: And you somewhat did describe his attitude

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and demeanor. Um, can you go deeper into that? Did he ever, um, yeah, just his attitude and demeanor.

BANEGAS: He wasn't speaking so the only thing that I could comprehend was his body language and um, he would – he would play with – and I say play with but the – he would open up the trunk with his right hand and we would think, oh, he's gonna step out. And then he would close it. And he would open. And close it. Um, his left arm was completely extended straight and his body was angled so you couldn't – you could not see that left hand. And um, I just remember his facial expressions and how, you know, he – he would – he was like -it looked like he wanted to cry like -like his- he would have these frowns and then he just went like blank stare and then he just started with the – the sign of the cross and then when he got hit with the less-lethal beanbag, his whole face just changed like he just got angry. And I just remember him yelling and I don't know what he said but he yelled and at that point he opens up the trunk completely and simultaneous motion like brings the left arm out as he's kinda rolling his body out. Um, at least the top portion of his body out. And he didn't make it out.

INV. CARPENTER: Did he yell in English or did he yell in Spanish?

BANEGAS: I don't even know what he said. I just heard- it sounded more like a grunt, kinda like a "err", like I don't- I - I don't know what he said.

INV. CARPENTER: Have you been in this type of situation before?

BANEGAS: Not like this.

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INV. CARPENTER: And what would be the closest situation?

BANEGAS: Um, I mean there's been a few close encounters where you hear gunfire and you know you're in close proximity of it. Um, one I recall was, I believe it was Halloween in the Castro. It might have even been Pride, but I just remember we were at the corner of Market and Castro, our squad was directly across the street from where a shooting takes place in the crowd and you don't know where, you know, the shots are coming from but you hear them. And then we discover victims 'cause people are fleeing. [redacted] So, there's been a few close encounters, um, but this was very unique in that, you know, he's in the trunk, he's being given orders and he's just not complying. And so that was a little different from like active, you know, where I guess um, where you don't know- like you're not able to - to quickly intervene. It's just, you know. But in this point, we had an opportunity to intervene.

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INV. CARPENTER: Okay. Ah, before you got to bullhorn, did you discuss tactics and plan with other officers?

BANEGAS: No.

INV. CARPENTER: And why not?

BANEGAS: Um, because the scene was deteriorating at that point and there wasn't time to discuss a plan. There's someones life on the line.

INV. CARPENTER: Were you told how many individuals were in the vehicle?

BANEGAS: No.

INV. CARPENTER: Were you given instructions about what um, the officers needed from you or what you were called for?

BANEGAS: I- I just heard someone saying they needed a Spanish speaking officer and so I assumed that that was to give commands to the occupant that I could see in the car.

INV. CARPENTER: I think you said this earlier but when you were giving the commands to Mr. Duarte in Spanish, how close were you to him?

BANEGAS: Um, Mr. Duarte was less than a car length from the primary patrol car.

INV. CARPENTER: Um, so I'm gonna ask you a series of questions. Um, how close were you to Officer Stephen Cassinelli?

BANEGAS: I don't know where he was.

INV. CARPENTER: And how close were you to Corvin Carroll?

BANEGAS: I don't know where he was.

INV. CARPENTER: And how close were you to Officer Loren Chu?

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BANEGAS: I don't know.

INV. CARPENTER: And how close were you to Officer John Asheeda?

BANEGAS: I don't know.

INV. CARPENTER: And how close were you to Officer Juan Castillo or Castillo, ah, star number 1469?

BANEGAS: I don't know.

INV. CARPENTER: And how close were you to Officer Nicholas Nagi?

BANEGAS: I don't know.

INV. CARPENTER: And how close were you to Officer Shawn O'Rourke?

BANEGAS: I – I don't know.

INV. CARPENTER: And how close were you to Kolby Smets?

BANAGAS: I don't know.

INV. CARPENTER: How close were you to Officer Ari Smith-[Russick]?

BANAGAS: I don't know.

INV. CARPENTER: And how did Off- or how did ah, Mr. Duarte respond to your commands? Did he respond to your commands? I know you stated earlier that he would put one arm up- was that after you um, gave him a command to show his arms? Did he make um, did he make that movement? Did he respond?

BANEGAS: He didn't verbally respond but the physical – the body language indicated to me that he understood what I was saying and that was his response.

INV. CARPENTER: Okay.

BANEGAS: But there was no verbal, only the yell once um,

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he got hit.

INV. CARPENTER: Okay. Were there any officers in front of you when you were giving these verbal commands?

BANEGAS: No. I had a straight line of sight with Mr. Duarte. The only thing that was in my peripheral was the point of the rifle to my right. And that – that was my focus. I never looked to my left or right or behind me, um, in that moment.

INV. CARPENTER: Do you recall how many rounds Officer Santana fired or ERIW rounds that Officer Santana fired at Mr. Duarte?

BANAGAS: I don't know how many.

INV. CARPENTER: Ah, was it more than one?

BANAGAS: I don't know.

INV. CARPENTER: Ah, was it at least one?

BANAGAS: Yes.

INV. CARPENTER: Okay. Is there a Spanish translation for beanbag or ERIW?

BANAGAS: Um-

INV. CARPENTER: Or how-

BANAGAS: ERIW would just be-

INV. CARPENTER: Or the exchange- or the extended range weapon.

BANAGAS: Not to my knowledge.

INV. CARPENTER: Okay.

BANAGAS: I mean I'm sure there is some translation for it but not that I use.

INV. CARPENTER: Okay. You may have answered this. Did

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Mr. Duarte change positions after he was shot with the ERIW?

BANAGAS: As soon as- well I won't say as soon as, but it seemed like when he got hit- cause I- I could see that it hit him like in his right shoulder, um, he became really angry. I could see his facial expression and simultaneously he lifted up the trunk of the car completely and like rolled his body to exit.

INV. CARPENTER: Ah, did you move prior to Mr. Duarte being shot with the ERIW?

BANAGAS: No.

INV. CARPENTER: Okay.

BANAGAS: My position remained the same the entire time.

INV. CARPENTER: Ah-

BANAGAS: The only time that I did move was when the shots were being exchanged. I did crouch down behind that door for cover. And I remember seeing um, Sergeant Caldera standing at the trunk of our- of that primary patrol car. It wasn't my patrol car but that primary patrol car. And then once the- the shots um, ceased, I lifted up and I could see this female appear in the rear seat of the car.

INV. CARPENTER: Um, do you know who fired or -do you know who fired their handguns first? Did you see who – who fired their handgun first?

BANAGAS: I- no

INV. CARPENTER: Okay.

BANAGAS: My – my full attention was focused on Mr. Duarte. I never diverted my attention, um, because I – I didn't know what was gonna happen.

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INV. CARPENTER: Ah, did- did Mr. Duarte have anything in his hand when he-

BANAGAS: He did. He had something in his left hand. I couldn't tell what it was.

INV. CARPENTER: Did you see any flashes from the trunk?

BANAGAS: I did not.

INV. CARPENTER: Did you see any gunfire?

BANAGAS: I did. So, it's kinda hard to explain but as he rolled out, I could see something in his left hand. And because there- I'm – I'm lined with officers on my right and my left, I see flashes but I can't tell you whose guns that was coming from. So I recall hearing officers saying, you know, he's got a gun, I could see, you know, he's shooting at us. Like um, but I could see the flashes of the muzzles so um, it was clear that shots were being exchanged but I – my focus was on Mr. Duarte 'cause I could see something in his left hand and I didn't know that it was a gun but I knew that there was something there and I heard somebody say, he's got a gun. And then somebody say, he's shooting at us. But I could see muzzle flashes.

INV. CARPENTER: Did you see the muzzle flash from his gun? From Mr. Duarte's gun?

BANAGAS: I can't say with one hundred percent that it was from his gun or if it was from one of the officers' guns that was in that close proximity.

INV. CARPENTER: You say that the officers were lined up? Um, can you describe ah, the line?

BANAGAS: I- I, um, I could only see from my peripheral that there were- that there was an officer here at the door with

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the rifle, and flanking him to the right, there were officers with their guns out, um, but I couldn't tell you how close or far they were. They could have been right next to him for all I know. But I could just -my focus was just on Mr. Duarte so I- it was just peripheral that I could see, um, mainly to the right because to the left we had the whole hood of the car before it got to ah, Santana who was at that driver's side. So I- I -my - I couldn't really see anything on that left side at all. I could mainly see Mr. Duarte and just in the peripheral of my right what I could see a little bit of.

INV. CARPENTER: And your right will be the passenger door -

BANAGAS: That would be the passenger, yeah.

INV. CARPENTER: The patrol passenger vehicle door-

BANAGAS: Yes.

INV. CARPENTER: TO the right. Okay.

BANAGAS: Um hmm.

INV. CARPENTER: And did you hear the gunfire before you saw the flashes of the muzzle?

BANAGAS: No.

INV. CARPENTER: You saw the flashes before you heard- did you hear gunshots?

BANAGAS: I did.

INV. CARPENTER: Okay.

BANAGAS: Yeah.

INV. CARPENTER: But you saw the muzzle flash before you heard the shots?

BANAGAS: I- I couldn't tell you if it was before or after.

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I – I just know- it was fast.

INV. CARPENTER: You stated earlier that you moved a lot of the pedestrians to 21st Street and Capp. Were there still ah, pedestrians on the sidewalk when the um, the shots were fired?

BANAGAS: I- I – I couldn't um, my attention wasn't focused, um, to the right. My attention was solely focused on Mr. Duarte in the trunk. But in my peripheral I couldn't see beyond just the officers that were there with their guns out. So I- there could have been. I don't know.

INV. CARPENTER: Okay. What about pedestrians over the-or like in front of you that were um, not necessarily in your peripherals on your sides, but were there any pedestrians like in front of the subject's vehicle?

BANAGAS: I didn't see – I didn't – I -I – I wasn't looking beyond the backdrop. I was just looking at Mr. Duarte and his body movements, ah, in the trunk of the car.

INV. CARPENTER: Okay. Ah, did you hear anyone tell officers to stop firing their weapons?

BANAGAS: No.

INV. CARPENTER: Okay. Do you know why officers stopped firing their weapons?

BANAGAS: No.

INV. CARPENTER: We might have covered this but how long do you think you spoke to Mr. Duarte in Spanish?

BANAGAS: At that time, it felt like ten seconds. I mean it- it was like fast. Um, I felt like the whole incident happened in less than a minute. Um, like I mentioned earlier, reviewing – reviewing the audio of my interview with Homicide, I

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kept repeating in that interview that this all happened in less than a minute. And now, you know, months later, I'm reviewing the CAD history and that shows a different timeframe. And the CAD, you know, as accurate as it tries to be, it's not. But it's ah, it gives – it gives an idea of what's happening when it's happening.

INV. CARPENTER: Um, what do you believe that's inaccurate about CAD?

BANAGAS: Um, the call for service created does not – does not ah, provide that there's a 2-11 or a Spanish speaking victim which is how I recall the officer broadcasting, um, the Code 33 and so it only um, focuses on the 2-21 which is a person with a gun and goes into that they got flagged down about the 2-21. So you know, up front we knew we had a robbery. We knew that we had a suspect of the robbery with a gun, um, but that's not in – in the CAD. And I – I -I didn't go through the entire CAD to pick it apart 'cause it's – that's not what I'm implying at all.

INV. CARPENTER: Oh no.

BANAGAS: It's just-

INV. CARPENTER: That stood out to you?

BANAGAS: It's just that – that's one of the things that often happens when situations um, you know, go dynamic in real time and it's moving, um, the reaction of what you're hearing versus what you're doing versus how that gets translated, like it's clear, you know, this was like dynamic. It was quick. So it just shows that not all the details make it into the CAD so.

INV. CARPENTER: Ah, when did you activate your body-worn

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camera?

BANAGAS: Um, when I stepped out of the car. I couldn't tell you my exact position but-

INV. CARPENTER: Okay. If we can we're gonna just review um, your – have you reviewed your body-worn camera footage?

BANAGAS: Only um, the day that I did my interview with Homicide.

INV. CARPENTER: Okay. And just for the record, we're going to um, it's a three-minute ah, video but we're probably gonna stop at around two minutes but we're starting ah, at the beginning. And this is paused. Um, the two gentlemen, um, on the scene?

BANAGAS: On the bottom left, yeah.

INV. CARPENTER: Ah, were they the victims of the – a victim and witness in the robbery?

BANAGAS: Yes. I don't know if the other gentleman um, became a victim at any point but at the time, I just um, figured since he was present with the victim that maybe-

INV. CARPENTER: He was-

BANAGAS: He had the gun pointed at him or, you know, maybe he was threatened too. I don't know.

INV. CARPENTER: Okay.

BANAGAS: But um, the – the guy on the left was the one who told me, that he was like, pointing at his chest.

INV. CARPENTER: Okay. There's a 30-second lag ah, with the- the volume. The time now is about 18 seconds. Ah, you're moving, um, where are you moving to?

BANAGAS: The corner of 21st and Capp.

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[VIDEO PLAYS]

BANAGAS: Um, well, just- so just real quick and then we can decide how we want to do this. Um, okay. If you want to – yeah, go help out.

MALE OFFICER ON VIDEO: You want me to go [unintelligible] or you want me to stay here?

BANAGAS: No. Yeah, you stay here.

MALE OFFICER: All right.

BANAGAS: No, no, no. You come with me. He'll help with the victims here. [SPEAKING SPANISH]. Do we have a P.A.? You have a working P.A.? I'm right behind you. Right behind you. [END OF VIDEO]

INV. CARPENTER: And who's the person that you asked, do we have a working P.A.? Do you recall?

BANAGAS: I was just generally asking both the officers that were at that car if they knew if the P.A. was working.

INV. CARPENTER: Okay. Would that be Officer Santana and Officer Tupper?

BANAGAS: Yeah.

INV. CARPENTER: Okay.

BANAGAS: But I'm sure their attention wasn't focused at all on me.

INV. CARPENTER: Okay.

[VIDEO PLAYS]

BANAGAS: Okay, who – who we instructing? The guy in the back?

OFFICER: Yeah.

BANAGAS: [SPANISH] [END OF VIDEO]

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INV. CARPENTER: And the time now is 1:22. Ah, what did you- did you – were you able to hear –

BANAGAS: Sorry. It's like, um- what was the question?

INV. CARPENTER: Oh, I was saying at 1:22, ah, what was the translation or interpretation um, that you did? The commands that you were giving to the um, Mr. Duarte?

BANAGAS: Oh, I was telling him to open up the trunk.

INV. CARPENTER: Okay.

[VIDEO PLAYS]

BANAGAS: [SPANISH]

BANAGAS: [TRANSLATING]: I said, show your hands, show your hands. Show your hands. Open the trunk. Sir, please show your hands. We're going to throw bullets. Sir, open the trunk. Show both your hands. Show both your hands. Sir, if you don't show both your hands, we're going to throw bullets. Do you understand? Show both your hands. Show both your hands. Show your other hand. I said, listen. Show your left hand please. Listen. We're going to throw bullets. Show your other hand. Show your other hand. We're gonna throw another one. Show your left hand. Show your left hand or- [VIDEO ENDS].

INV. CARPENTER: Okay. Ah, what was your – your demeanor as you were talking to- or what were you thinking as you were talking to Mr. Duarte?

BANAGAS: I was thinking he's not listening and I don't know why. I tried to speak softly to speak, um, politely, almost pleading with him. Like, please show your hand. Um, it was -it- it, you know, it's just that – that's what we try to do through the communication is you're trying to give somebody a

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chance. You're, you know, and it didn't work.

INV. CARPENTER: Um, for the record, I have Exhibit B. Ah, this is ah, Google Maps, ah, version of 21 and Capp Street so 21st between 2nd and Century.

BANAGAS: Um hmm.

INV. CARPENTER: Um, you can see it this way.

BANAGAS: Okay.

INV. CARPENTER: If you can just draw a diagram, um, of the subject vehicle, ah, the primary car vehicle where you were standing, ah, where Officer ah, Santana – and you can just maybe-do you know their star numbers? You can just put their star numbers maybe where they were located.

BANAGAS: I honestly don't know their star numbers.

INV. CARPENTER: Okay. One moment please.

BANAGAS: Sure.

MALE COMES INTO ROOM: I have a Mr. Bohannon here. So just let him know that there's an officer who can sit in.

INV. CARPENTER: Sure.

MALE: Okay, you're good.

INV. CARPENTER: Yeah.

MALE: Are you gonna be much longer or-

INV. CARPENTER: No.

MALE: No? [DOOR CLOSES]

INV. CARPENTER: Okay. Ah, so okay, you can just put their names. Santana and Tupper-

BANAGAS: Sure.

INV. CARPENTER: Um, and what you recall, ah, about how many officers you could see from your right peripheral, um, your

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position, your distance in approximation.

BANAGAS: I'll mark an "X" here for where I was. An "X" where ah, Officer Tupper was. And I'll say that the only person I knew that was – I think was about here. Someone right here- was ah, Andaluz. My recruit, I know he was on the car that was kind of on the side.

INV. CARPENTER: Okay. And um, just label this subject vehicle.

BANAGAS: Duarte-

INV. CARPENTER: Okay.

BANAGAS: Put Duarte there and then this was, um, the Latin male.

INV. CARPENTER: And is that a patrol vehicle?

BANAGAS: Yeah.

INV. CARPENTER: Okay.

BANAGAS: PD with Latin male adult.

INV. CARPENTER: Okay.

BANAGAS: And then our patrol car was here. Something like that.

INV. CARPENTER: Okay.

BANAGAS: Maybe it was a little over this way.

INV. CARPENTER: And just label PD. And that was yours?

BANAGAS: Yeah, that was ah, 095.

INV. CARPENTER: And the vehicles -or are these vehicles right here?

BANAGAS: Yeah, these are parked cars.

INV. CARPENTER: Okay, parked cars, okay.

BANAGAS: Parked car. Car. And I don't- I don't- I know

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there's a driveway and I couldn't tell if it was in front or in the middle but um, this is where victims were right here at the corner.

INV. CARPENTER: Okay. And where did you move the pedestrians? What side of the street were they on?

BANAGAS: They were on this side.

INV. CARPENTER: Okay.

BANAGAS: Pedestrians.

INV. CARPENTER: And you guys moved them to 21st Street?

BANAGAS: Pedestrians, that way.

INV. CARPENTER: Okay. And if you can just sign, um, with your star number. And just date it for me. Okay. Thank you.

BANAGAS: You're welcome.

INV. CARPENTER: I'm sorry. Um-

BANAGAS: Sure.

INV. CARPENTER: Forgot to ask you. You used the word [echar]?

BANAGAS: [Echar].

INV. CARPENTER: [Echar].

BANAGAS: Yeah. To throw.

INV. CARPENTER: Ah, to throw?

BANAGAS: Um hmm.

INV. CARPENTER: And why did you choose to use that translation or that um, that word?

BANAGSA: Um-

INV. CARPENTER: For this incident?

BANAGAS: Because this – this – it's a beanbag, ah, you know, it's not a bullet so it would just be -it's to toss or to

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throw but it's um, that was the word that I could think of at the time.

INV. CARPENTER: Okay. And also in the translation it was, ah, [balazos]-

BANAGAS: [Balazos].

INV. CARPENTER: [Balazos] and what is that?

BANAGAS: Um, [balaz] are bullets. Um, so [balazos] would be like bullets but um, just we're gonna throw some bullets at you but um, that was the word that I could think of at the time.

INV. CARPENTER: Okay. And um, you stated that you'd never been in this type of incident before?

BANAGAS: No.

INV. CARPENTER: Um, for incidents involving ah, translations of um- have you ever been in any incidents where they're using the beanbags where you're conducting the interpretation?

BANAGAS: No.

INV. CARPENTER: Okay. Okay. Is there any other statement relevant to this incident you wish to make at this time?

BANAGAS: No.

INV. CARPENTER: And are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

BANAGAS: No.

INV. CARPENTER: Ah, this is your last opportunity to submit DPA, IAD- material to DPA, IAD and the Chief of Police before initial decision about whether or not to sustain any of the allegations in this case and what discipline to impose, if

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any. Is there anything else you would like the Chief to consider in that regard? You're a witness officer. This doesn't apply but it's part of our interview closing. But is there something that you would like to - any last statement that you would like to make regarding this incident?

BANAGAS: No.

INV. CARPENTER: Ah, the time now is 3:19 p.m. and the interview is concluded.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER BAYARDO ROMAN, #2373

DATE OF INTERVIEW: 09/25/2018

INV. CANDACE CARPENTER: Okay. This interview, regarding DPA Case Number 0097-18 is taking place at the Department of Police Accountability on September 25th, 2018, at 4:50am. Conducting this interview is myself, Investigator Candace Carpenter. I work for the Department of Police Accountability. I have been designated by the Police Commission to conduct this investigation. The member being interviewed is Officer Bayardo Roman, Star #2373, who was a witness officer in this matter. And for the record, I note that Officer Roman has handed me a DPA Administrate – Administrative Interview Advisement form, which bears his signature and Star Number and today's date. I will store this form in the DPA file for this case. Officer Roman, with all these advisements in mind, is there any reason you cannot go forward with this interview right now?

OFC. BAYARDO ROMAN: No. No reason at all.

INV. CARPENTER: Okay. And this interview regarding an incident that occurred on March 6, 2018, starting at about 10:36pm at 20th and Capp, 20th, 21st, 22nd. Can you just tell me what happened?

OFC. ROMAN: For my - I responded as a backing unit, regarding a possible armed robbery and the suspect was still in

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the area, possibly in the vehicle. And I responded to assist the units.

INV. CARPENTER: Okay. And can you tell me more?

OFC. ROMAN: As far as - that's how I knew it at the scene, and as soon as I arrived on the scene, one of the officers flagged me down, 'cause I'm the San - SFPD certified interpreter for the Police Department, and one of the officers - when I came on scene, one of the officers just told me they had two victims of a robbery and they're Spanish speakers only. So, I stayed with those victims and started conducting my interviews on 21st and Capp, while the officers were dealing, I guess, with the other possible suspect, and giving their commands.

INV. CARPENTER: And while you were interviewing the individuals, what happened?

OFC. ROMAN: I was interviewing one of the victims, and the - Officer Banegas was the other certified interpreter, was speaking with the- one of the victims, and the other officers on scene, they were talking with - with the possible suspects. Neither of the other officers speak - spoke Spanish, and Officer Banegas left me with both victims and responded to help the other units. And I stayed with both victims and finished conducting my interviews, as far as what the incident - what happened, as far as them being victims of a robbery.

INV. CARPENTER: Okay. And during your interview with the victims of the robberies, what happened?

OFC. ROMAN: So, during my interview with the victims of the robbery, shots were fired. I began to move them to a safer location, maybe twenty feet away from the corner of 21st and

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Capp, and stayed with them while the officers were doing their thing. And also I had a recruit officer, Joshua Dequis, who was with me and kind of stayed with the victims as I assisted to put up crime scene tape, tried to back them up as far as the area – to make sure the scene was safe.

INV. CARPENTER: Okay.

OFC. ROMAN: And once I did that, I came back with the victims and conducted my interviews.

INV. CARPENTER: And how did you – did you review any documents to prepare for this interview?

OFC. ROMAN: No, no. Other than the CAD, that's about it.

INV. CARPENTER: Okay. Based on your review of the CAD, was it a – an accurate depiction of what occurred initially?

OFC. ROMAN: From – yes.

INV. CARPENTER: I'm sorry, was it an accurate depiction of – of the – the incident.

OFC. ROMAN: Oh, as far as the incident, as far as with the handgun, yes.

INV. CARPENTER: And have you reviewed any videos related to this incident?

OFC. ROMAN: No, I have not.

INV. CARPENTER: And how many times have you been interviewed regarding this incident?

OFC. ROMAN: It's probably the first time. Yes, first time.

INV. CARPENTER: And how long have you been employed by SFPD?

OFC. ROMAN: Ten years.

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INV. CARPENTER: And where are you currently stationed?

OFC. ROMAN: Mission Station, and I work the midnight shift.

INV. CARPENTER: And how long have you been assigned to Mission?

OFC. ROMAN: It's approximately four years, maybe five. I worked Bay View prior to – prior to Mission Station. Yeah, [UNINTELLIGIBLE] it's either four or five years [UNINTELLIGIBLE].

INV. CARPENTER: And have you worked at any other law enforcement agencies?

OFC. ROMAN: No, I have not.

INV. CARPENTER: And on March 6th, 2018, what were your hours?

OFC. ROMAN: Work – I work from nine o'clock p.m. to 7:00am.

INV. CARPENTER: And what time did you arrive to work that day?

OFC. ROMAN: [UNINTELLIGIBLE] Approximately 8:45, 8:50pm.

INV. CARPENTER: And what was your assignment.

OFC. ROMAN: I was as A Three-David-15-Edward.

INV. CARPENTER: And what does that mean?

OFC. ROMAN: Sector. So, we have five sectors to patrol in the Mission District, itself. So we're assigned the Five Car, which is a sector of the Mission District that we patrol.

INV. CARPENTER: And were you FTO?

OFC. ROMAN: Yes, I was a Field Training Officer that night.

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INV. CARPENTER: Okay. And did you make line-up that night?

OFC. ROMAN: Yes, I was in line-up, yes.

INV. CARPENTER: And how long had you worked with your recruit.

OFC. ROMAN: It was Thursdays. I couldn't tell you how many days it was, but it's still Thursdays.

INV. CARPENTER: And were you the driver or the passenger?

OFC. ROMAN: I can't recall, driver or passenger.

INV. CARPENTER: And were you in a marked patrol vehicle?

OFC. ROMAN: Yes.

INV. CARPENTER: And were you in uniform?

OFC. ROMAN: Yes.

INV. CARPENTER: And do you wear glasses?

OFC. ROMAN: No.

INV. CARPENTER: And what is your primary weapon?

OFC. ROMAN: Sig Sauer.

INV. CARPENTER: And what type of holster do you use?

OFC. ROMAN: Oh, I couldn't tell you the brand on that. I'd have to take a look at it, the brand-wise.

INV. CARPENTER: Okay.

OFC. ROMAN: [UNINTELLIGIBLE] I'm not sure what brand it is, [UNINTELLIGIBLE].

INV. CARPENTER: But, was it Department issued?

OFC. ROMAN: Department issued, yes.

INV. CARPENTER: And is your weapon Department issued?

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OFC. ROMAN: Yes.

INV. CARPENTER: And do you carry a backup weapon?

OFC. ROMAN: No, I don't.

INV. CARPENTER: And did you have your weapon drawn at the scene?

OFC. ROMAN: No.

INV. CARPENTER: Okay. And do you speak another language, other than English?

OFC. ROMAN: Spanish.

INV. CARPENTER: And do you speak any other languages besides English and Spanish?

OFC. ROMAN: No.

INV. CARPENTER: And are you certify – certified by the Department of Human Resources of have – as having proficiency in Spanish?

OFC. ROMAN: As interpreter, yes.

INV. CARPENTER: And does the DHR test, is it written or is it a verbal proficiency?

OFC. ROMAN: It was a verbal proficiency.

INV. CARPENTER: And can you please explain the DHR certification process?

OFC. ROMAN: I - I took it approximately five years ago, and from what I recall, there were like index cards, and basically it was words or sentences written in Spanish, and I would have to translate that to English. And also a part of the test was the other way around, where words are written in English, and I had to translate that into Spanish.

INV. CARPENTER: And do you have to renew your language

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certification with DHR?

OFC. ROMAN: No.

INV. CARPENTER: And do you receive bilingual pay?

OFC. ROMAN: Yes.

INV. CARPENTER: As a Spanish bilingual officer, do you have added responsibilities while on duty.

OFC. ROMAN: I would say yes. I have the responsibility to assist officers in interpretation of the Spanish language with victims or suspects, as a case-by-case basis.

INV. CARPENTER: Do you know how many other bilingual Spanish officers were on duty that - that night?

OFC. ROMAN: All of - from what I'm aware of that night was just myself and Officer Banegas.

INV. CARPENTER: Do you receive additional translation - or interpretation training in the Academy?

OFC. ROMAN: No, no.

INV. CARPENTER: How often do you translate while working?

OFC. ROMAN: Like it's - it varies. I mean, I could not tell you exactly. Sometimes none for the day, and sometime it might be three or four times in one day, so.

INV. CARPENTER: And what is your background, as a translator?

OFC. ROMAN: My parents - I'm a first generation San Franciscan, but my parents are Nicaraguans from Nicar - Nicaragua.

INV. CARPENTER: Okay. And how did you learn to speak Spanish?

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OFC. ROMAN: On the – initially, in the house, as a young child.

INV. CARPENTER: And then?

OFC. ROMAN: Then, in high school, I took the native speaker Spanish, which was basically a class involved where people that already know Spanish but come for their further education. That was only two years of that, in high school. Other than that, that's the only education I've had, as far as collegiate-wise, as far as Spanish language.

INV. CARPENTER: And when not working, how often do you speak Spanish?

OFC. ROMAN: Very little. I couldn't say. There's only a few family members that speak Spanish, so I couldn't say the number or how often. Depends if I see them or not, so.

INV. CARPENTER: Okay. And do you speak Spanish at home?

OFC. ROMAN: No.

INV. CARPENTER: And have you received CIT training?

OFC. ROMAN: Yes.

INV. CARPENTER: And in the CIT training, were there any scenarios involving language access services for limited English proficient persons?

OFC. ROMAN: From what I recall, no. And again, I took The CIT training approximately five years ago, so – maybe four. I'm not sure.

INV. CARPENTER: And have you re – received Advanced Officer Training?

OFC. ROMAN: A year and a half ago, yes. I'm due for – this year in November, I'm going. Every two years, we ago.

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INV. CARPENTER: And in the Advanced Officer Training, were there any scenarios involving language access services for limited English proficient persons?

OFC. ROMAN: From what I recall, no.

INV. CARPENTER: And have you received de-escalation training?

OFC. ROMAN: Yes.

INV. CARPENTER: And have you received training – excuse me – on crisis negotiation?

OFC. ROMAN: No.

INV. CARPENTER: You stated earlier, in your narrative of what occurred, you were brought to the location – did – well, did someone flag you down-

OFC. ROMAN: Yeah.

INV. CARPENTER: -Or you just responded?

OFC. ROMAN: When I arrived on scene, you mean?

INV. CARPENTER: Yes.

OFC. ROMAN: Yeah, when I arrived on the scene, one of the officers – I can't recall who it was – informed me that he was with – she or he was with – in fact, I don't remember exactly who it was that we – "We have two robbery victims that speak Spanish only." So, I mainly went to them two, both victims. And I can't recall which officer had flagged me down when I arrived on scene. And that's where, at that point, myself and Officer Banegas were speaking with both victims separately.

INV. CARPENTER: And did you properly reflect your status?

OFC. ROMAN: As far as identify myself to the victims?

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INV. CARPENTER: Yes.

OFC. ROMAN: Yes, that I was an officer and also I was a Spanish speaker.

INV. CARPENTER: And was it done on the air?

OFC. ROMAN: The air being?

INV. CARPENTER: Dispatch on-air?

OFC. ROMAN: Oh, no, no. I would say no, no.

INV. CARPENTER: That was done on the MDT?

OFC. ROMAN: I can't recall. I can't recall.

INV. CARPENTER: What was your direction of approach?

OFC. ROMAN: If I recall, I was dri – we were approaching westbound on 21st from South Van Ness, and as we approached Capp Street on 21st, we parked somewhere near the intersection, because there were a bunch of patrol cars in front of us, facing southbound. That's when I exited from the vehicle, and I was approached by an officer near the – near the southwest corner of 21st and Capp, where the victims were located at.

INV. CARPENTER: And what was your communication with your partner, when you arrived?

OFC. ROMAN: I had a recruit, Officer Dequis. I had him just standby with me.

INV. CARPENTER: And what did you observe, when you arrived?

OFC. ROMAN: I observed multiple officers on scene. I could hear them saying verbal commands. Exact what was really said, I can't recall that part. Multiple police cars, a vehicle parked facing south. Again, giving commands and my – my attention, when I arrived on scene, was only because I was

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focusing on victims, talking to the victims.

INV. CARPENTER: Do you recall, when you heard the – the verbal commands, if they were in English or Spanish?

OFC. ROMAN: I think initially, English. Again, I don't know what was being said. Again, when some officer had – they requested an office – Spanish speaking officer, that's when Banegas left and went with that group of officers that were – that were giving commands. And, I don't know where she was at, but, again, I went back, resumed talking to the victims, and I can hear commands being said in Spanish and English. But, again, I can't recall exactly what was being said in Spanish. But I know it was Officer Banegas speaking Spanish and English.

INV. CARPENTER: So, you heard Officer Banegas?

OFC. ROMAN: Yes, I heard her on the P.A.-

INV. CARPENTER: Okay.

OFC. ROMAN: -As I was talking with the victims.

INV. CARPENTER: And what less lethal options did you have available on your person?

OFC. ROMAN: On my person would be my OC, pepper spray, my baton. I think that's it.

INV. CARPENTER: Okay. And what less lethal options did you have available in your vehicle?

OFC. ROMAN: A ERIW.

INV. CARPENTER: Do recall how many units were on scene when you arrived?

OFC. ROMAN: Oh, I – I could not – could tell you.

INV. CARPENTER: More than three?

OFC. ROMAN: More than three, yeah. More than three

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officers, for sure. I would say approximately three or four marked units were there, on scene there.

INV. CARPENTER: Was there a sergeant at the scene when you arrived?

OFC. ROMAN: I can't recall that part. I can't recall. No.

INV. CARPENTER: Did a sergeant approach you at the scene?

OFC. ROMAN: There were multiple sergeants. There was - Sergeant Caldera was there. I can't recall if I approached him, or he approached me.

INV. CARPENTER: And do you recall how the contact with Sergeant Caldera prior to the shots fired?

OFC. ROMAN: No, it was after.

INV. CARPENTER: After?

OFC. ROMAN: Yeah. So, as far as sergeants, like I said, everything was after the shots were fired.

INV. CARPENTER: Okay.

OFC. ROMAN: The sergeants and our Lieutenant, Lieutenant Banta, from Mission Station, was with us - came on scene, too, so.

INV. CARPENTER: Can you describe the - the scene, where you were at 21st and Capp?

OFC. ROMAN: When I arrived on scene, I speak with the victims. Again, there were multiple officers dealing with the commands I heard. There were a lot of witnesses, or standbyers there, that were near the 21st and Capp, behind the police vehicles. Numbers-wise, I - I would have to guesstimate, you

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know, ten to twelve, fifteen people were out there, citizens.

INV. CARPENTER: The officer that flagged you down, did he inform you that the suspect was armed?

OFC. ROMAN: No, no.

INV. CARPENTER: And do you recall who you interviewed?

OFC. ROMAN: So, no. Not name-wise, the name, I did not.

INV. CARPENTER: [UNINTELLIGIBLE – SIMULTANEOUS COMMENTS]

OFC. ROMAN: Very – reflects my memory, ma'am, but now I recall. That was Officer Banegas that came and told me, when I arrived on scene, telling me, "We have two robbery victims, here." So, I do apologize. I - I do remember now.

INV. CARPENTER: Okay.

OFC. ROMAN: Because she's the one that flagged me down, 'cause she was with both victims, and then I took over with one. That's right. And then we both went to the corner, both of us, Banegas and myself, to do the interviews.

INV. CARPENTER: Okay.

OFC. ROMAN: Yes. That's right.

INV. CARPENTER: Okay. Did she inform you if they were armed? Or if the - it was an armed robbery or just a robbery?

OFC. ROMAN: The officer? Banegas?

INV. CARPENTER: Yes.

OFC. ROMAN: No, just told me that we had two victims of a robbery, that's all.

INV. CARPENTER: And when you spoke to the victim, what did the victim tell you?

OFC. ROMAN: Just pretty distraught, scared, telling me

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that he was walking with his friend on Capp northbound from 21st when they were approached by the robbery suspect.

INV. CARPENTER: How far in the interview were you with the – the victim before you heard the shots fired?

OFC. ROMAN: Time-wise, I want to say it wasn't very long. Again, I would just have to guesstimate, maybe five, six minutes, maybe.

INV. CARPENTER: And did the victim tell you that the – the suspect was armed-

OFC. ROMAN: Yes.

INV. CARPENTER: -With a weapon? And did you relay that to any of the officers?

OFC. ROMAN: At – at the – right after that?

INV. CARPENTER: At the scene, yeah.

OFC. ROMAN: No, no.

INV. CARPENTER: And why not?

OFC. ROMAN: Because of the fact it was an active shooting scene, and we had, like I said, with the victim, multiple officers setting up crime scene tape and it was a pretty chaotic scene, so. You know, lots of citizens, bystanders there. It wasn't until Homicide showed up that I went – I informed them what – what had happened. In terms of – not of what happened, in terms of what the victim had stated, exactly what happened, the storyline.

INV. CARPENTER: Did you see any officers fire their weapons?

OFC. ROMAN: No.

INV. CARPENTER: How far away for – were you from the –

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the actual scene?

OFC. ROMAN: I would say approximately-

INV. CARPENTER: The crime scene?

OFC. ROMAN: -Forty – forty, fifty feet.

INV. CARPENTER: And how – how lit was the area?

OFC. ROMAN: Street lights. Street lights, I think. I don't recall. 21st and Capp had street lights on that corner where we were at with the victims, I recall. But there are street lights – the exact location I don't recall, but there are street lights.

INV. CARPENTER: And how was the visibility?

OFC. ROMAN: Yeah, you could see. Clear.

INV. CARPENTER: Do you recall how many shots you heard fired?

OFC. ROMAN: No, no. Just multiple shots fired.

INV. CARPENTER: More than ten?

OFC. ROMAN: Yes, more than ten.

INV. CARPENTER: When you heard the shots fired, what did you do?

OFC. ROMAN: I immediately grabbed the victims away from scene. So, in other words, we're closer to, as I recall, like 21st – I mean, I'm sorry, towards on the southwest corner traversing Capp. That means the shots went off, that we – I kind of guided both victims towards – on 21st towards the Mission. So, if we're on the corner, I might – we might have moved them maybe a good twenty feet.

INV. CARPENTER: Did you hear any commands for officers to stop firing their weapons?

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OFC. ROMAN: No.

INV. CARPENTER: Do you recall the direction of those shots fired?

OFC. ROMAN: Look, 'cause I didn't see the shooting, just heard it, but fair to say they were facing south on Capp. Again, I – I didn't witness the shooting, just heard it, so.

INV. CARPENTER: And what was the sequence of the – the fired shots? Was it fast, slow, pairs, bursts?

OFC. ROMAN: I would say fast.

INV. CARPENTER: Fast. When did – did you activate your body worn camera?

OFC. ROMAN: Yes.

INV. CARPENTER: Okay. And when did you turn off your – your body worn camera?

OFC. ROMAN: Oh, I couldn't recall the exact moment I turned it off. Yeah, I can't recall.

INV. CARPENTER: Was it prior to leaving the scene?

OFC. ROMAN: After leaving the scene.

INV. CARPENTER: Okay.

OFC. ROMAN: Yeah. I did have it on, and then – so we transported the – the victim to Mission Station for interviews, and then they changed it from Mission Station, so we never actually entered Mission Station. And we transferred him to 850 Bryant.

INV. CARPENTER: I'm sorry, I'm not sure if I asked you this. Do you recall which victim you – you interviewed.

OFC. ROMAN: No, I – I - I can't recall. Yeah.

INV. CARPENTER: Okay. The victim that you – you

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interviewed, were they the ones – was that victim the one that actually had contact with the suspect? Or was he the witness?

OFC. ROMAN: Yeah, again, I can't recall which – which one I interviewed, as far as – 'cause it basically, they're both victims, but one's the one that got actually robbed. I can't recall which one it was.

INV. CARPENTER: Is there anything else?

UNIDENTIFIED 2ND INTERVIEWER: Not that I could think of.

INV. CARPENTER: And where was your recruit, this whole time?

OFC. ROMAN: He was with me during the inter – you mean, at the scene?

INV. CARPENTER: Yes.

OFC. ROMAN: He was with me the entire time.

INV. CARPENTER: Okay. Did you recognize any of the officers at the scene?

OFC. ROMAN: While I was on scene?

INV. CARPENTER: Yeah.

OFC. ROMAN: No, 'cause they had – when I arrived on scene, they were all facing southbound, and I went straight to Banegas. Officer Banegas flagged me down to interview the victims, so I didn't really have a chance to scan the scene that was in front of me, as far as the vehicle and the officers giving commands. [UNINTELLIGIBLE] when Banegas came up to, approached me to stay with the victim, so.

INV. CARPENTER: Okay, and for the record, I'm showing Officer Roman Exhibit B, which is a Google Maps aerial view of 21st – of Capp Street between 21st and 22nd Street. And can you

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just draw for me where you were located?

OFC. ROMAN: So, I'm trying to look, here. So this'll be 21st Street, what I'm looking at here. Again, I work nights, and I'm looking at a daytime picture, so-

INV. CARPENTER: Oh, okay.

OFC. ROMAN: I can't even see the street – I'm assuming this is 21st Street.

INV. CARPENTER: It's labeled, but it's really, really, tiny.

OFC. ROMAN: Yeah. It looks like 21st Street.

INV. CARPENTER: Well, this is Capp Street here, and this is 22nd-

OFC. ROMAN: So, 21st. Got it. That's the senior housing there. Okay.

INV. CARPENTER: Ah, here's blank paper, though.

OFC. ROMAN: So, what do I do?

INV. CARPENTER: That was just to help to – just show me – draw a diagram where you were, your location.

OFC. ROMAN: So, okay. I'm not a good drawer, but I'll try.

INV. CARPENTER: That's okay. And where you parked your vehicle.

OFC. ROMAN: Okay.

INV. CARPENTER: And where the suspect vehicle was, in relation to where you were.

OFC. ROMAN: And so I parked my vehicle probably in this general area, here. Vehicle here. Again, there were multiple police cars here. But, again, number-wise, I'm just

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guesstimating – I couldn't tell you. I know there was at least three vehicles were parked here.

INV. CARPENTER: Okay.

OFC. ROMAN: And suspect vehicle's in front, approximately here.

INV. CARPENTER: And where did you initially, in this – if you can label where you spoke to the - the victims.

OFC. ROMAN: Okay. So, approximately flagged down here, and I spoke to the victims here. That was both victims there.

INV. CARPENTER: Okay. And can you just sign it and date it for me?

OFC. ROMAN: Yes.

INV. CARPENTER: And were you the only officer on that – on 21st Street? Do you recall?

OFC. ROMAN: You mean as far as not the officers that were with the suspect?

INV. CARPENTER: Right, but just officers-

OFC. ROMAN: Yeah. I think, initially at the scene, here on the corner, it was just myself, Officer Dequis, Officer Banegas, and Officer Banegas had a recruit, Officer Andaluz, who was on the scene, too.

INV. CARPENTER: Okay.

OFC. ROMAN: So, basically four of us on that corner.

INV. CARPENTER: On that corner, okay. All right. Thank you.

OFC. ROMAN: Oh, you're welcome.

INV. CARPENTER: Is there any other statement, relevant to this incident, you wish to make at this time?

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OFC. ROMAN: No. Not that I could think of, no.

INV. CARPENTER: And are there any witnesses or other evidence, relevant to this case that you intend to submit on your behalf?

OFC. ROMAN: No.

INV. CARPENTER: This is your last opportunity to submit material to DPA, IAD and the Chief of Police before an initial decision about whether or not to sustain any of the allegations in this case and what discipline, to impose, if any. Is there anything else you would like the chief to consider in that regard?

OFC. ROMAN: No. Not that I can think of.

INV. CARPENTER: The interview is concluded. The time now is 5:20am.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER BRYAN SANTANA, #2097

DATE OF INTERVIEW: 09/27/2018

INV. CANDACE CARPENTER: This interview, regarding DPA Case Number 0097-18 is taking place at the Department of Police Accountability on September 27th, 2018. The time now is 5:02pm. Conducting this interview is myself, Investigator Candace Carpenter. I work for the Department of Police Accountability. I have been designated by the Police Commission to conduct this investigation. The member being interviewed is Officer Bryan Santana, Star #2097, who is a named officer in this matter. Representing Officer Santana is?

OFFICER JOSEPH CLARK: Officer Joseph Clark, Star Number 4261.

INV. CARPENTER: And Officer Santana, have you read the DPA case – or the DPA Form 293, an allegation form regarding the allegation of misconduct?

OFFICER BRYAN SANTANA: Yes.

INV. CARPENTER: Okay. Oh, and, off the record, we determined that you wanted to invoke your 5th Amendment.

OFC. SANTANA: Correct.

INV. CARPENTER: Is that correct? Okay. And Officer Santana, because – and because, pick one or more – Officer Santana, because there may be a criminal culpability on your

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part, or you have asserted your – the right to remain silent, you have the right to remain silent. Anything you say may be used against you in – in court. You have the right to an attorney, before and after questioning. Do you understand each of these rights that I have explained to you?

OFC. SANTANA: Yes.

INV. CARPENTER: With these rights in mind, would you like to answer my questions now?

OFC. SANTANA: No.

INV. CARPENTER: While you have the right to remain silent, criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Department of Police Accountability of the San Francisco Police Commission. I've been designated by the Police Commission to conduct this investigation. I am therefore ordering you, on behalf of the commission to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally, unless you choose to testify – testify in such a criminal case. Do you understand this order?

OFC. SANTANA: Yes.

INV. CARPENTER: Officer Santana, will you answer my questions, as ordered, at this time?

OFC. SANTANA: Yes.

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INV. CARPENTER: And for the recording, I note that Officer Santana has handed me a DPA Administrative Interview Advisement Form, which bears his signature and Star Number and today's date. I also note that the form has been signed by his representative, Officer Clark. I will store this form in the DPA file for this case. And with all these advisements in mind, is there any reason you cannot go forward with this interview right now?

OFC. SANTANA: No.

INV. CARPENTER: Okay. So, we're gonna start in three phases. I just want you to tell me, quickly kind of, what you remember about the incident and what happened. And then we'll just start from the beginning and we'll just get more detailed. And then, at the end, I'll just ask you to draw a diagram of your location and where the other officers were-

OFC. SANTANA: Okay.

INV. CARPENTER: -Based on your recollection of the incident.

OFC. SANTANA: Okay.

INV. CARPENTER: Okay? And so, can you just tell me what happened? The incident occurred on March 6th, 2018 starting at 10:36pm at 21st and Capp Street.

OFC. SANTANA: Okay. So, I was at the Police Station with my partner. We heard broadcast over the radio Code 33, which is emergency radio traffic. We were sitting there listening, 'cause we didn't hear who said anything. So, because we share a radio with Bay View Station, sometimes it's Bay View calling for emergency traffic, sometimes it's us. So, we heard the

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dispatchers start calling for David units, which are the Mission Units, so we knew someone in Mission was calling for emergency traffic. So, we – my partner and I ran to the car. I was driving the wagon. So, at some point, I heard broadcast there was a 221 vehicle, which is a vehicle with a gun, somewhere near 20th and Capp. It was like a black sedan with no plates, and the officers were making a stop on it, and there's two people aboard the car. So, we drove from the station, lights and sirens, to about 20th and Capp Street. I parked the van a little bit north of, I believe, 20th Street, blocking off traffic, 'cause there was already some officers that had arrived. They were already conducting a felony stop on the vehicle, so cars were trying to pull into Capp Street, and drive around it, and it was kind of causing a hazard, so we don't want anyone to drive down the street. So, I blocked off the street.

When I got out of the car, I started moving up to closer to where the felony stop was being conducted. There's probably, I don't know, ten officers already at the front police car that was taking on the vehicle. They were kind of bunched up around that in kind of a semi-circle, facing the car. It looked like things were bunched up. I didn't want to get mixed up in a jumble with people stepping over each other, tripping. So, I, facing southbound, I moved to my left, which should be the east sidewalk, and kind of took cover behind some cars.

I heard dispatch asking for updates on the radio. No one was saying anything, no one was responding; so I took it upon myself to kind of get on the radio and let them know what was happening. I heard officers taking someone into custody. I

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looked around and saw officers putting someone into handcuffs. I saw someone in the trunk of the vehicle. He was lying on his back with his head kind of facing the driver's side, and his feet facing the passenger side, and was holding the trunk that was open. So, I got on the radio and let dispatchers know that we were doing a felony stop, one person was in custody and there's another person in the trunk.

At that point, officers had brought the first person in handcuffs and placed them in a car, a patrol car; they had returned to the car and were giving orders in English to – for the person in the trunk to get out, show his hands. He was kind of unresponsive. While this was going on, he kind of got stagnant. He really wasn't responding to anything, he wasn't moving, he wasn't looking around. He was just kind of sitting there with his hand on the trunk, not doing anything.

There was kind of a lull, so I was looking around to see if anyone had any other options other than firearms, and I only saw handguns and rifles. So, I went to a car and retrieved a ERIW, a beanbag shotgun, grabbed that, moved back up to my vantage point on the east sidewalk. Other officers were giving commands to the person, again, still. I heard someone start screaming, you know, "We need a Spanish speaker. I heard "Spanish speaker", and started yelling at him in Spanish. Said, "Open the trunk. Let me see your hands. Put your hands in the air." Once again, he wasn't responding. I moved to that front car, the front patrol car, closest to the vehicle, behind the driver's door, and I had the ERIW out with me.

Part of the issue is when we take out the ERIWs, there's

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like a procedure when we get them from the armory to load them, to make sure there aren't live twelve gauge - twelve gauge rounds going into them, because it's an actual shotgun. We just don't put shotgun rounds into it. So, because it wasn't my gun, because I didn't load it or see who loaded it, I took a second to rack it. So, when the magazine tube went down, I saw the Supersock beanbag round into it. I took extra time to make sure that it was not an actual round, racked it, and then I was continuing to give the person commands, in Spanish, to "Open the trunk. Let me see your hands." I heard another officer get on the P.A. system of the patrol car, giving commands in Spanish. So, I let her take over, because it was a lot more clear with her speaking on the P.A. system.

While this is going on the - I could see close that the person in the trunk had been like fidgeting. He wasn't really listening to the commands. He wasn't getting out of the trunk. He wasn't opening the trunk. He wasn't showing his hands. He was hiding his left hand from view, from my entire vantage point. There were several times when he would start fidgeting something with his hands, left hand out of view, and there were was a - pretty much a chorus of officers screaming "Stop! Stop! Stop! Don't do anything! Don't do anything," and he would freeze for a second. And I remember, at one point, an officer said, "Hey, he's got something in his hand." So, you know, we had gotten a call that there was a gun in a vehicle stopped, and I thought he was armed. He was acting strange. The pers - the first person that got taken into custody pretty much came with no issues, listened to commands, did everything right, and this person was

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acting strange, completely oblivious to what was going on around him. So, you know, wanting him to show his left hand, fearing that he had a gun in his left hand, I deployed the ERIW towards him, and shot him with the ERIW to try to get him to show us both his hands and drop whatever he had in his hand. I deployed the ERIW. I watched it hit him. He jumped back, kind of winced back, and started giving more commands, reassessing the situation, to see if he would be – would become compliant. I told him, in Spanish, you know, "We're gonna shoot you again. Let me see your hands." And I heard other officers screaming, "Let me see your hands!"

And at that point, he kind of very quickly turned to his right, facing us, punched his left hand out of the trunk. I saw a black item in his hand, and I couldn't really tell what it was because it happened quickly. But I saw a muzzle flash and heard a gun shot, and that - knew that it was a gun when I saw all that. At that point, several of the other officers that were around me had fired their guns and their rifles. I was holding the ERIW beanbag, and because the other officers were returning fire, I had stepped back, out of the way, to try and find a better vantage point of cover, because I was behind a door and a window, and it didn't really seem sufficient.

So, at that point, the shooting stopped, the person in the trunk kind slumped back into the trunk, and from there, we were just kind of securing the scene and getting – there were bystanders in the background, behind the car, that we moved and got out of the way, then came back. They had called an ambulance already, and opened a way for ambulance, directed them to the

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car that they needed get to. And, at that point, supervisors started coming on scene and started pulling people aside that were there during the incident. Then I started talking with supervisors.

INV. CARPENTER: Okay, and did you review any documents to prepare for this interview?

OFC. SANTANA: I had an interview with the Internal Affairs. I had a POA attorney with me, and he sent me an audio recording of that interview.

OFC. CLARK: She meant this interview for DPA.

OFC. SANTANA: Okay.

OFC. CLARK: What did you review for today's interview?

OFC. SANTANA: Oh, I listened to that.

OFC. CLARK: Okay.

OFC. SANTANA: And then, my body camera, the footage from the incident.

INV. CARPENTER: And have you reviewed any videos other than your body worn camera, related to this incident?

OFC. SANTANA: Not for the interview today, no.

INV. CARPENTER: Okay. And how many times have you been interviewed regarding this incident?

OFC. SANTANA: I was interviewed by Homicide, the day after the incident. I was interviewed by Internal Affairs maybe a month after that.

INV. CARPENTER: And, as time has passed, have you remembered details of the incident that you weren't able to recall shortly after the incident?

OFC. SANTANA: No.

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INV. CARPENTER: And how long have you been employed with SFPD?

OFC. SANTANA: Since [redacted].

INV. CARPENTER: And where are you currently stationed?

OFC. SANTANA: Mission Station.

INV. CARPENTER: And how long have you been assigned to Mission?

OFC. SANTANA: A little over a year, like a year and two months.

[redacted]

INV. CARPENTER: And what hours did you work on March 6th, 2018?

OFC. SANTANA: I believe 15:00 hours to 0:01 hundred hours.

INV. CARPENTER: And what was your assignment?

OFC. SANTANA: Three-David-41-David, which is the Castro Swing Watch foot beat.

INV. CARPENTER: And do you recall what time you arrived at work that day?

OFC. SANTANA: If anything, maybe thirty minutes earlier,

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before my shift, to get ready and change out.

INV. CARPENTER: And did you make line-up?

OFC. SANTANA: Yes.

INV. CARPENTER: And did you have a partner, that day?

OFC. SANTANA: Yes.

INV. CARPENTER: And who was your partner?

OFC. SANTANA: Nicholas Nagai, last name N-A-G-A-I.

INV. CARPENTER: And do you wear glasses?

OFC. SANTANA: No.

INV. CARPENTER: Okay. Do you speak another language, other than English?

OFC. SANTANA: Spanish.

INV. CARPENTER: Do you speak any other languages?

OFC. SANTANA: No.

INV. CARPENTER: Okay. And are you certified by the Department of Human Resources as having proficiency in the Spanish language?

OFC. SANTANA: Yes.

INV. CARPENTER: Do you recall when you got that certification?

OFC. SANTANA: April or May.

INV. CARPENTER: Of?

OFC. SANTANA: Of 2018.

INV. CARPENTER: Okay. And does the Department of Human Resources test – is it a test in written and verbal proficiency?

OFC. SANTANA: I believe it's only verbal.

INV. CARPENTER: And can you kind of explain the process for the certification?

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OFC. SANTANA: I went to the office. Someone admonished me on how the test was to be conducted. There was like a TV screen, like here in the office, and they – I signed-in to some computer program where they would play audio recordings in Spanish, ask me to translate it to English, and they would record my translation onto the computer. They would give me things in English and ask me to change them from English to Spanish and record my answers on the computer, and went through several different scenarios of, you know, "You're going to Golden Gate park, and someone was robbed, and this is what he says," and "Can you explain what his statement was, and things like that. Or, can you give a follow-up questions of, you know, "Which way did the suspect run" and ask them, and they record your answers throughout the whole thing. And there's maybe like four or five scenarios that they had, and when they were done with that, they sent it to some outside agency from the City, and they reviewed my answers and gave me a score that – I don't remember what the passing or failing score was, but I passed.

INV. CARPENTER: Okay. And were the scenarios law enforcement-based scenarios?

OFC. SANTANA: Yes.

INV. CARPENTER: Okay. And do you have to renew your language certification at DHR?

OFC. SANTANA: I'm not sure. They hadn't given the certification test from the entire time I was here, up until I took it. It was the first available opportunity to let me take it. And so I'm not sure how they're gonna proceed.

INV. CARPENTER: And do you receive bilingual pay?

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OFC. SANTANA: Yes.

INV. CARPENTER: And, as a Spanish-speaking officer, do you have added responsibilities, while you're on duty?

OFC. SANTANA: Yes.

INV. CARPENTER: And what are they?

OFC. SANTANA: Sometimes, other officers are responding to calls in which Spanish – primarily Spanish speakers are dealing with the officers, whether they're victims, witness, reportees. So, I'm called to go to their scenes and assist them in interpreting Spanish.

INV. CARPENTER: And what's the difference between language translation and language interpretation?

OFC. SANTANA: Interpretation is verbally speaking and listening to someone then tr – interpreting it from English to the Spanish, Spanish to English. Translation is written. So, it's looking at like documents and writing down what was written.

INV. CARPENTER: Okay. And do you provide translation services for the Department?

OFC. SANTANA: Yes.

OFC. CLARK: No, you don't.

OFC. SANTANA: Well, in – in my capacity as a police officer, I-

OFC. CLARK: So, we're not translators. We're interpreters. Translate is exact.

OFC. SANTANA: Okay.

OFC. CLARK: And interpret is if you're like, "He ran that way" and you get a word wrong, but you translate the idea.

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OFC. SANTANA: Yeah.

OFC. CLARK: That's what they – we're interpreters.

OFC. SANTANA: Okay.

OFC. CLARK: Translate would be word for word, exactly.

OFC. SANTANA: Okay.

INV. CARPENTER: But do - when you have victim statements, do you conduct the – do you write the statement in English, or do you write the statement in Spanish.

OFC. SANTANA: Yeah, I've been asked to do that, to translate it.

INV. CARPENTER: Oh, to translate it into English?

OFC. SANTANA: Yeah.

INV. CARPENTER: Onto the-

OFC. SANTANA: Yeah.

INV. CARPENTER: Not into Spanish? Or-

OFC. SANTANA: So - so, for example, say there's a written statement, a victim comes in and says this happened. Sometimes they handwrite a statement. I've been asked to read it and translate it into English.

INV. CARPENTER: Okay. Do you receive additional translation training in the Academy?

OFC. SANTANA: In this Academy – in the Police Academy? No, but I received training from the Department in better ways to interpret. I don't remember the exact name of that class, but it's like improving interpretation type stuff.

INV. CARPENTER: It's with the San Francisco Police Department?

OFC. SANTANA: Yeah.

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OFC. CLARK: I have a video. You haven't seen it.

OFC. SANTANA: I've seen it.

INV. CARPENTER: What's the cla – is it at the Academy?

OFC. SANTANA: It's - no, it was out of the Public Safety building. I – I took it a couple, like a month or two ago. Basically, it's on techniques of interpreting and what not.

OFC. CLARK: The per – the person currently teaching it is Jamie Garand. She's one of the teachers, and she's located out of Mission

INV. CARPENTER: Garand. Can you spell her last name?

OFC. CLARK: G – either E or G-A-R-A-N-D.

INV. CARPENTER: Okay.

OFC. SANTANA: Something-

OFC. CLARK: Jamie, and she's a young AF. She is based out of Mission, in the Community Engagement Division.

INV. CARPENTER: And, I'm sorry, what is that class? How is that class helpful?

OFC. SANTANA: It's just – sometimes people who speak – 'cause it's open to all officers who speak a different language, and who do interpreting on-duty, and so it gives different techniques of how to effectively communicate when interpreting – interpreting. Because sometimes they're – someone's only experienced speaking Spanish, for example, at home with their grandma. That kind of thing. So, being in a police setting and doing interrogations or interviewing witnesses and stuff requires certain techniques that work better than just talking to someone. So, they provide different options of interviewing people and what to look out for, things to watch out for, and

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what not.

INV. CARPENTER: And approximately how often do you interpret, while you're working?

OFC. SANTANA: At Mission station, probably everyday.

[redacted]

INV. CARPENTER: And how did you learn to speak Spanish?

OFC. SANTANA: I mean, I heard it at home. I never officially learned Spanish, but I'd heard it and knew words and what not. I studied it in High School for four years. [redacted]

INV. CARPENTER: Okay. When you're not working, how often do you speak Spanish?

OFC. SANTANA: Every once in a while, sometime with my dad.

INV. CARPENTER: And do you speak Spanish at home?

OFC. SANTANA: No, English.

INV. CARPENTER: And have you received CIT training?

OFC. SANTANA: Not the complete CIT training. I've received some of the classes for - that qualify - qualify for CIT

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training, but not officially the whole certification.

INV. CARPENTER: Okay. And have you received Advanced Officer Training?

OFC. SANTANA: Yes.

INV. CARPENTER: In the Advanced Officer Training, were there any scenarios involving language access services for limited English proficient persons?

OFC. SANTANA: I'm trying to think. Nothing that comes to mind. I remember most of the Advanced Officer Training was regarding CIT stuff; so dealing with people in crisis was the more, bigger focus.

INV. CARPENTER: Would training in scenarios at the Advanced Officer Training, would that be useful?

OFC. SANTANA: Yeah.

INV. CARPENTER: Have you received de-escalation training?

OFC. SANTANA: Nothing specifically regarding de-escalation, but I think a lot of police training – from the Academy and AO training covers de-escalation, different de-escalation techniques.

INV. CARPENTER: And have you received training on crisis negotiation?

OFC. SANTANA: I think that rolls into the Advanced Officer training; we're dealing with people in crisis, and what not. There're scenarios that cover things like that.

INV. CARPENTER: Okay. When you arrived at the scent – 21st – right in front of the vehicle, who was there when you arrived?

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OFC. SANTANA: At that point, I don't remember who was there. I just knew there was a lot of officers there. There was probably about ten officers. I didn't – I wasn't focusing on the officers; I was focusing on the trunk of the car, so.

INV. CARPENTER: Okay. Did your partner ride with you to the scene?

OFC. SANTANA: He did. He did. So, I know – I mean, I know my partner was there, but we split off when I parked the car; 'cause I went down the east sidewalk, and he went off to the other side of the street, and I didn't know what he was doing.

INV. CARPENTER: Do you recall who the officers you were standing next to?

OFC. SANTANA: I know Ari Smith-Russack. He was in front of me at like a red truck, with a vantage point of the trunk. I remember being at the front door of the police car with Officer Corbyn Carroll, Colby Smets, and Officer Loren Chiu. Those are the people I was dealing with, 'cause I was in the immediate vicinity with them, when I moved up to the car.

INV. CARPENTER: Who was the highest-ranking officer at the scene, at the time?

OFC. SANTANA: I don't know who was. I didn't know who was around.

INV. CARPENTER: Who was providing lethal cover?

OFC. SANTANA: All of those officers that I listed were – all had their handguns out or rifles out. And there were several other officers on the other side of the street with guns out, but I couldn't see exactly who they were or what they were doing.

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INV. CARPENTER: Okay. Can you describe the lighting conditions?

OFC. SANTANA: There – it was dark out, but there were street lights in the area. There was the headlights of the patrol car, and there were spotlights from the patrol car illuminating the vehicle in front of us.

INV. CARPENTER: And so how was the visibility. Were you able to see into the trunk?

OFC. SANTANA: Absolutely. It was very clear into that car.

INV. CARPENTER: And did anything obstruct your view of Mr. Duarte, who was located in the trunk?

OFC. SANTANA: I mean, other than his body positioning and him turning away from us, there was no physical obscurement.

INV. CARPENTER: So, what could you see? Did you see the vehicle-

OFC. SANTANA: Well, because I was originally off to the side, almost perpendicular to it, to the trunk, so I could see the trunk open. I could, from that point, I was looking at the back of his head, and he was lying this way, and he had his arm on the – on the trunk lid. And eventually when I moved to the front of the patrol car, I kind of got a head-on view of him, and I could see his feet spread out. He was lying down on his back. He was still holding the trunk lid with his right hand, and then his left hand was like behind his body, out of view, into the trunk.

INV. CARPENTER: Do you recall what he was wearing?

OFC. SANTANA: I believe he had a hoodie on, and jeans.

INV. CARPENTER: Do you recall what he looked like?

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OFC. SANTANA: I do not.

INV. CARPENTER: Could you see his face?

OFC. SANTANA: No, I don't believe so. I believe the hoodie was obstructing it.

INV. CARPENTER: His body movement, can you describe that?

OFC. SANTANA: So, for the most part, he was – he was not doing anything. He kind of was frozen in that position, but you could kind of see him rocking back and forth every once in a while, like – almost like he was talking to himself or something. Every couple of seconds – I mean, the whole incident, from the time I got there to the time the shots were fired, there was almost a few minutes, like two or three minutes. So, from the time – I mean, my best view of him was when I was at the patrol car door. Every couple of seconds, he would like fidget his left hand out of sight, and stuff. And he would keep doing it, and then officer would scream at him, "Stop! Stop! Drop it! Don't move! Let me see your hand!" And then he would freeze and pull his hand back up, almost into view, but-

INV. CARPENTER: Left hand?

OFC. SANTANA: Yeah, his left hand. But then, slowly, he would start moving again. And people would scream at him and he'd pull it back up. It – it was – for me, it was, strange behavior.

INV. CARPENTER: Okay. Did he say anything?

OFC. SANTANA: I couldn't hear him say anything.

INV. CARPENTER: Have you been in that type of situation before?

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OFC. SANTANA: Not like that. I mean, I've been in lots of felony stops, and dealing with people who have committed crimes, but not that specific situation.

INV. CARPENTER: When you arrived, did you discuss tactics in a plan with other officers?

OFC. SANTANA: No, because there were already enough officers on scene that they were starting the felony stop and conducting it, and calling people out of the car, that me running up and asking them what they're doing and creating a plan would have cut into what they were doing and been poor timing. So, when they were doing that, I let them do it, and I was just getting on the radio. And that's – it became stagnant, at one point, which is when I went to go grab the ERIW.

INV. CARPENTER: Okay. Were you told how many individuals were in the vehicle?

OFC. SANTANA: On the radio traffic, I had heard two people aboard the vehicle. And when I got there, I saw two people.

INV. CARPENTER: Is that including the individual that exited the vehicle?

OFC. SANTANA: Yeah.

INV. CARPENTER: Were you given the location of – of the occupants in the vehicle?

OFC. SANTANA: No. To my knowledge, I don't remember anyone saying anything about where they were located. I just remember coming to the scene and seeing someone being placed into cuffs and seeing the person in the trunk.

INV. CARPENTER: Okay. So, were there verbal commands given to Mr. Duarte?

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OFC. SANTANA: Yes.

INV. CARPENTER: Okay. Who gave them?

OFC. SANTANA: I mean, I don't know what was said before I got there, but I know there were officers giving him commands in English. When I was on scene, I believe Officers Castinelli was giving him commands in English, and at that point, I heard officers screaming, you know, "Do we have a Spanish speaker?" And then, so that's when I started giving commands in Spanish. And then, I moved up, started giving commands in Spanish and heard officer Milen Banegas. She moved into the P.A. of the patrol car and started giving commands, and took over from there. I let her continue commands.

INV. CARPENTER: And – and what did you tell the – Mr. Duarte?

OFC. SANTANA: "Open the trunk. Let me see your hands. Put your hands in the air." He wasn't responding to any of it.

INV. CARPENTER: And where were you positioned when you gave Mr. Duarte the command?

OFC. SANTANA: So, initially, I was on the far east sidewalk, with – by a red truck with Ari Smith-Russack, I was – that's when I started screaming Spanish, and then because I was shouting – I had no P.A. system or anything to talk to him – I moved closer by, in the front door, and then that's where I – I was maybe fifteen feet from him when I was screaming behind that door.

INV. CARPENTER: Were you pro – when you were giving commands to Mr. Duarte in Spanish, how close was Officer – how close were you to Officer Stephen Cassinelli?

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OFC. SANTANA: He was near the front door of the patrol car.

INV. CARPENTER: And how close were you to Officer Corbyn Carroll?

OFC. SANTANA: Corbyn – I was only a few feet away from him, too. He had originally, I believe, been the arrest team that had placed the first guy into handcuffs. So, he was up near the front driver door, to my left, a few feet away.

INV. CARPENTER: And how close were you to Officer Loren Chiu?

OFC. SANTANA: He was right next to Officer Corbyn Carroll, like shoulder to shoulder.

INV. CARPENTER: And how close were you to Officer John Yushida?

OFC. SANTANA: I don't know where he was, exactly.

INV. CARPENTER: Officer Juan Gustilo?

OFC. SANTANA: I don't remember where he was.

INV. CARPENTER: Officer Nicolas Nagagy?

OFC. SANTANA: Nagai, my partner.

INV. CARPENTER: Yeah.

OFC. SANTANA: I believe he was on the other side of the car, somewhere, but I don't know where, exactly.

INV. CARPENTER: Officer Sean O'Rourke?

OFC. SANTANA: I don't know where he was.

INV. CARPENTER: Officer Colby Smits?

OFC. SANTANA: He was directly next to me, like elbow to elbow with me, on my right.

INV. CARPENTER: And Officer Ari Smith-Russack?

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OFC. SANTANA: He, to my knowledge, had stayed by that red truck that I was originally at. Maybe fifteen feet away, to my left.

INV. CARPENTER: How close were you to Officer Joshua Tupper?

OFC. SANTANA: I don't know where he was.

INV. CARPENTER: And how close were you to Officer Milen Banegus?

OFC. SANTANA: I thought she was on the passenger, using the P.A. system; so, just one the other side of the car.

OFC. CLARK: And just to confirm, this is at the moment the shots were fired? Or-

INV. CARPENTER: No, when you were providing verbal commands to Mr. Duarte.

OFC. SANTANA: Yeah, I mean, it was kind of a fluid situation. So, I started by Officer Smith-Russack, by the truck and moved to the front door. And at some point, Officer Banegas came up and, you know, to my knowledge, that's what - where the officers were when it was happening.

INV. CARPENTER: Was the - you stated that you - you went to a vehicle to get the ERIW?

OFC. SANTANA: Mm-hmm. Patrol vehicle.

INV. CARPENTER: Okay, and are all the ERIWs department issued?

OFC. SANTANA: Yes.

INV. CARPENTER: Is the ERIW considered to be a lethal weapon?

OFC. SANTANA: Less lethal.

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INV. CARPENTER: And did you use force on Mr. Duarte?

OFC. SANTANA: Yes.

INV. CARPENTER: And what type of force did you use?

OFC. SANTANA: The ERIW.

INV. CARPENTER: And what level of force was used? You can look at the – DGO 5.01, the fourth-

OFC. SANTANA: An immediate force.

INV. CARPENTER: Okay. And what was your justification for using that level of force?

OFC. SANTANA: We had received the call of a vehicle with a gun in it. I believed he was armed with a gun. He was unresponsive to verbal commands. Fearing that he had a gun – he had a gun. You know, I saw other officers with their guns out. I wanted to use a different option to address the situation, because he had – like I said, it'd become stagnant. So, in order – because he had been hiding his left hand, and people'd – I'd heard an officer scream specifically he had something in his hands. In order to get him to drop his hand, fearing it was a gun, I used the ERIW to get him to show his hand and drop what was in his hand.

INV. CARPENTER: Okay. Do you recall which officer yelled he had something in his hand?

OFC. SANTANA: I don't remember who.

INV. CARPENTER: When you fired the ERIW and hit him, did he drop an object from his hand?

OFC. SANTANA: I didn't see him drop anything. I know he – it hit him, because I saw it hit him somewhere on his right arm. And then he kind of jumped back, like almost like wincing in

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pain. And then it was just like nothing happened, after that. It's like, he continued sitting there with his hand on the trunk lid, and not responding to our commands or anything.

INV. CARPENTER: Okay. And what level of resistance did Mr. Duarte give? That would be on the page right before the-

OFC. SANTANA: I mean, from everything I saw, he was non-compliant, passive.

INV. CARPENTER: And were you instructed to deploy the ERIW?

OFC. SANTANA: No.

INV. CARPENTER: And did you use de-escalation tactics prior to firing the ERIW?

OFC. SANTANA: Yeah, I mean, we were giving him orders; we were trying to talk to him in English and Spanish; trying to give him an opportunity to show us his hands and get out of the trunk on his own. And he was not responding, so, when I had the ERIW, I gave him the warning, "We're gonna shoot you." And he still didn't do anything. He was ignoring everything around him.

INV. CARPENTER: How close were you to Mr. Duarte when you fired the ERIW?

OFC. SANTANA: Maybe fifteen, twenty feet.

INV. CARPENTER: And where was your point of aim?

OFC. SANTANA: It was in his torso, on the right side of his torso. So, when – because he was lying down, I was only seeing the whole right side of his body, and his legs were kind of difficult to see from my vantage point. So, I had a clear vantage point of his like arms and the right side of his torso, so – like his center torso area.

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INV. CARPENTER: And do you know what zone that is?

OFC. SANTANA: Zone One.

INV. CARPENTER: And was a warning announced to officers of the intent to use the ERIW?

OFC. SANTANA: Yes. I screamed "Red Light" several times, and I heard officers echoing "Red Light", indicating that they heard that I was warning them.

INV. CARPENTER: And was a warning announced to Mr. Duarte of an intent to use the ERIW?

OFC. SANTANA: I told him I was gonna shoot him. I didn't say it was an ERIW or a bean bag, but I said, "I'm gonna shoot you. We're gonna shoot you."

INV. CARPENTER: Why didn't you tell him you were gonna use a bean bag?

OFC. SANTANA: I mean, our training, when we train at the range with the bean bag, it is, you know, "Police, drop what's in your hand, or I'm gonna shoot you." It's not a "This is a bean bag. Don't let it bean bag you. It's an ERIW." 'Cause people don't even know what that is. So, it's - the training is, Drop what's in your hand or I'm gonna shoot you." And then "Red Light, Red Light! Less Lethal!" And you shoot the less lethal.

INV. CARPENTER: How much time after the announcement was Duarte given to voluntarily comply before you deployed the ERIW?

OFC. SANTANA: Without reviewing my body camera again, I don't want to say exactly, but I think when I told him "We're gonna shoot you," and then he wasn't responding, that's when I heard someone say, "He's got something in his hand." And then I

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started screaming, "Show me your hand! Drop the gun or I'm gonna shoot you." And the "Red Light! Red Light." And so, several seconds.

INV. CARPENTER: And how many ERIW rounds did you fire at Mr. Duarte?

OFC. SANTANA: One.

INV. CARPENTER: And how did Mr. Duarte respond after being shot?

OFC. SANTANA: You know, he jumped back, like in pain, but I'd interpreted as him being in pain, because I saw I hit him and he'd reacted to it, physically. And then - and after that, he - was like nothing ever happened, like he was completely fine, like continuing what he'd been doing the entire time, and ignoring us.

INV. CARPENTER: Did Mr. Duarte change position after he was shot?

OFC. SANTANA: He moved back to the same position he was in.

INV. CARPENTER: Who was closer to Mr. Duarte, at this point, after you fired the ERIW?

OFC. SANTANA: I don't think anyone had moved positions. Everyone kind of maintained the same spot.

INV. CARPENTER: And did you move after Mr. Duarte was shot by the ERIW?

OFC. SANTANA: I stayed in the same spot.

INV. CARPENTER: When Officer Banegas was giving verbal order - or commands to Mr. Duarte, can you describe how Officer - or Mr. Duarte reacted to her commands?

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OFC. SANTANA: Same thing. He was not looking at us. He wasn't screaming anything, saying anything. He was just kind of, if anything, mumbling to himself unintelligibly, and not physically moving, other than every once in a while pulling his hand out of view and fidgeting with something.

INV. CARPENTER: And was your weapon drawn.

OFC. SANTANA: My handgun? No.

INV. CARPENTER: Okay. And did you use reportable use of force?

OFC. SANTANA: The ERIW.

INV. CARPENTER: And did you report this use of force?

OFC. SANTANA: Yes.

INV. CARPENTER: And did you document this force in the Incident Report?

OFC. SANTANA: I ended up – because Homicide took over the investigation, they told me to hold off on writing any incident report or statements and they verbally took my statement in the Homicide Office.

INV. CARPENTER: Do you remember which of the Detective Sergeants-

OFC. SANTANA: Sergeant Bandvik and Sergeant Barry Parker.

INV. CARPENTER: Do you recall which Sergeant told you to go to the station – or, not to write a statement?

OFC. SANTANA: So, what had happened is once the supervisors came on scene, I think Lieutenant Banta took over the investigation, and he started instructing officers to return to the station, and not to speak with each other, and to wait for further instruction. And that – I don't recall who, exactly,

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said, "Don't write any statements." But, at some point, at the station, our Captain came in, and the Commanders came in and they - then Homicide came and they basically said that, "We will let you know when we'll interview you." But that's - that was like our - the way it played out. So, I don't remember if there was one person that came in and said, don't write anything, but.

INV. CARPENTER: And was your reportable use of force documented in the Incident Report?

OFC. SANTANA: Yes.

INV. CARPENTER: And by whom?

OFC. SANTANA: At this point, I don't remember the Sergeant who did the reportable use of force. I just remember that someone at the station was asking, "Who used force?" And I had reported to a sergeant. I don't remember what sergeant, at this point.

INV. CARPENTER: And did you comply with DGO 5.01? The Use of Force, did you-

OFC. SANTANA: Yes.

INV. CARPENTER: Okay. Did you, after you fired the ERIW, and you stated that you saw a black object, you saw a muzzle flash. Did you see a female in the back seat of the vehicle?

OFC. SANTANA: After all of the shots had been fired, yes.

INV. CARPENTER: Okay.

OFC. SANTANA: That person had not been visible to me. I didn't know she existed. I didn't know she had been in the car until after the person in the trunk had fired a gun, and the officers returned fire. So, when I had - I retreated back to

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where I had been, on the east sidewalk. And then once the dust had settled, she popped her head out from the interior passenger compartment of the car.

INV. CARPENTER: Okay. And how were you able to see her?

OFC. SANTANA: Do you know, we had the spotlights and the lights illuminating the car, so when she popped her head up, you – I mean, she was illuminated by all the lights.

INV. CARPENTER: Okay. So was the trunk down?

OFC. SANTANA: I don't even remember, exactly. But I just remember being able to see her.

INV. CARPENTER: Do you recall who fired their handgun first?

OFC. SANTANA: The person in the trunk.

INV. CARPENTER: Do you know which officers fired their handguns, in return?

OFC. SANTANA: I don't know exactly which ones, right now. But I know there was maybe ten officers in the vicinity that had their handguns and rifles out. And a large portion of those officers had fired back.

INV. CARPENTER: [UNINTELLIGIBLE]. Did you see the muzzle flash before you heard the – the shots?

OFC. SANTANA: I mean, when I saw him, he quickly came out, punched out a black object – I mean, it was a split second, and then I saw the flash and heard the shot, that's to my knowledge simultaneously.

OFC. CLARK: By simultaneously, are you referring – 'cause she was asking what occurred first, his muzzle flash or their shots?

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INV. CARPENTER: Or the sound of-

OFC. SANTANA: I mean – so, like, it was like one - [SIMULTANEOUS COMMENTS] between the light and or the diff – the difference between sound and light.

INV. CARPENTER: In – sorry-

OFC. SANTANA: Okay. When I saw him come out, I saw a flash and I heard a bang, and I knew it was a gunshot, and then – and it was his distinct gunshot, and then the officers returned fire quickly after that. I mean they – it was very clearly, his was distinctly the first gunshot, and then the other officers started returning fire.

INV. CARPENTER: Do you recall what weapon Mr. Duarte had?

OFC. SANTANA: I-

INV. CARPENTER: Could you tell by the sound?

OFC. SANTANA: I mean, I could tell it was a handgun by the way he was holding it by the size of it. But I couldn't tell the caliber, anything like that.

INV. CARPENTER: Is there a distinction between the sound of a nine millimeter versus a 40 versus a 45.

OFC. SANTANA: Maybe-

OFC. CLARK: Suppress, not suppress, compensated.

OFC. SANTANA: Not – it's difficult to say. I mean, sometimes, in certain circumstances, you can pick out the difference, but I couldn't tell.

INV. CARPENTER: Okay. Could you say that it was a distinct-

OFC. SANTANA: Gunshot?

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INV. CARPENTER: Yeah.

OFC. SANTANA: It was definitely a gunshot.

INV. CARPENTER: Okay.

OFC. SANTANA: Just based off the – everything that'd been happening, I heard the call of the gun, I saw him come out with a black object, and I saw it fire. And so I knew that it was a gun, that it was a gunshot.

INV. CARPENTER: Okay. Were any of the officers that you were around firing their handgun, were they moving towards Mr. Duarte as they were firing their handgun?

OFC. SANTANA: I think everyone maintained their position, as they were there, and then fired back in that same position.

INV. CARPENTER: Were there any pedestrians nearby when gunshots were fired?

OFC. SANTANA: To – so, what happens is after everything gets stopped down the road, several hundred feet, I saw some pedestrians on the sidewalk, and they weren't like in the middle of the street, or anything. But I remember them, seeing them standing on the sidewalk, frozen, with their hands up.

INV. CARPENTER: So, were they located in front-

OFC. SANTANA: In front of us like-

INV. CARPENTER: In front of you?

OFC. SANTANA: -Further south, down the street, several hundred feet.

INV. CARPENTER: And how close were you to Mr. Duarte when officers fired their handguns?

OFC. SANTANA: About fifteen, twenty feet. Like I said, I mean, everything was like stagnant, and it froze, and when I had

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moved up to the front door of the car, no one was really moving or doing anything. And then when he pulled out the gun and started firing, everyone kind of stayed the same, and I kind of backed off into cover, because I didn't have the lethal option to protect myself, at that point.

INV. CARPENTER: Do you know why officers stopped firing their weapons?

OFC. SANTANA: I don't.

INV. CARPENTER: Was there – did anyone tell officers to stop firing their weapons?

OFC. SANTANA: Not to my knowledge.

INV. CARPENTER: What is the training regarding reloading or reassessing the threat, after you've fired your weapon?

OFC. CLARK: For yours.

OFC. SANTANA: For me, for the ERIW?

[SIMULTANEOUS COMMENTS]

INV. CARPENTER: No, just in general, with the lethal, with the handguns.

OFC. SANTANA: [UNINTELLIGIBLE] guns? You know, if a threat is presented, that you think is a lethal threat, you address it until it is no longer a lethal threat, whether, you know, a person holding a gun drops the gun, whether they fall to the ground, you know. Sometimes people don't react to getting shot with bullets. So, if you shoot them and you run out of bullets and they're still standing holding a gun staring at you, pointing it at you, then you reload and keep firing until the threat is no longer a threat. So, pretty much fire until the

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threat is eliminated, and then when safe, reload.

INV. CARPENTER: Okay.

OFC. CLARK: Do you have to assess between – if someone's actually firing a gun you, do you have to go "BOOM", assess what's going on, "BOOM", in between your shots?

OFC. SANTANA: No. I mean, with reason – reasonably you have to say that if you shoot someone and they fall to the ground, drop the gun, are they still a threat. Maybe not. That's when you'd take a second to assess like, "Okay, did he drop it? Is he down? Is he dead? Is he" whatever. But, I mean, if someone's actively firing, you – and they're very clearly firing at you, you keep firing until they're not – something happens or something changes where they're no longer a threat, whether that means they run off, whether they dropped their gun, or dropped themselves, things like that.

INV. CARPENTER: Do you recall how many shots Mr. Duarte fired?

OFC. SANTANA: I only remember one distinct shot from him.

INV. CARPENTER: Okay. And after the gunshots stopped, what did you do?

OFC. SANTANA: I had moved back to the sidewalk. I had seen pedestrians who were directly in front of me, several hundred feet down the street. So, kind of fearing that gunshots might continue again, or he might come with the gun or someone else might have a gun, having seen those people where they were at, they were kind of down range of where the bullets were being fired, so I wanted to get them out of the way. And, to be honest, I wasn't sure if they were involved with any of it, at

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all. So, we – I and another random police officer, who happened to be on scene next to me, I grabbed him and moved – ran up and patted the people down to make sure they didn't have any guns and to see what they were doing. And they said they were trying to get home, and so I directed them to get out of the potential line of fire and move around the corner.

INV. CARPENTER: Did you have any contact with the female in the – the vehicle?

OFC. SANTANA: In the car? No.

INV. CARPENTER: Okay. In your estimation, how long did you speak to Mr. Duarte in Spanish?

OFC. SANTANA: Several seconds. I mean, I – I was speaking with him at – at the red pickup truck for a few seconds, and I ran up to the front door, I was speaking for him – for a few seconds, then Officer Banegas took over. So, I don't know, fifteen, twenty seconds, overall, of Spanish commands.

INV. CARPENTER: How long was the incident?

OFC. SANTANA: The incident was a couple minutes.

INV. CARPENTER: Did you activate your body worn camera?

OFC. SANTANA: Yes.

INV. CARPENTER: Okay. And when did you activate your body worn camera?

OFC. SANTANA: When I was getting out of the wagon, after I parked it.

INV. CARPENTER: All right. I have Exhibit A, which is the location. The vehicle – the suspect vehicle and then the – your vehicles.

OFC. SANTANA: Okay.

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INV. CARPENTER: And then I have a blank piece of paper here, and I just want you to draw a diagram of your location.

OFC. SANTANA: Okay.

INV. CARPENTER: You have a pen?

OFC. SANTANA: Do you want all the streets and everything?

INV. CARPENTER: The streets, yes. And then just sign it and date it for me.

OFC. SANTANA: Okay. Let's do it like this.

INV. CARPENTER: Or did you want to ask your questions, first? Okay. [UNINTELLIGIBLE].

INV. CARPENTER: Oh, it doesn't have to be based on this.

OFC. SANTANA: Yeah, no, no, I-

INV. CARPENTER: Okay.

OFC. SANTANA: -Helping me.

OFC. CLARK: Is it drawn to scale?

OFC. SANTANA: No, it's not drawn to scale.

INV. CARPENTER: It's not drawn to scale.

OFC. SANTANA: So.

OFC. CLARK: Do you want to mark two different? Where he was originally, and then where he moved to? And then where he moved back to.

INV. CARPENTER: Probably just do a little dot dot dot.

OFC. SANTANA: Okay.

OFC. CLARK: Can you put a number next to like-

INV. CARPENTER: Right.

OFC. CLARK: -First spot one, dot dot dot, two-

INV. CARPENTER: -Exactly.

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OFC. CLARK: Dot dot dot, three.

OFC. SANTANA: So, got out here, and then. So, one – one is where I originally started broadcasting on the radio. Kind of had a line of sight over here to the suspect trunk, over here. This is where the patrol car was, where the officers were kind of huddled around. I'd moved to get the ERIW from one of these cars. I believe it was this car, right here. So, I guess that'll be two, for the ERIW. I originally came back up here with Ari – the pickup truck with Officer Smith-Russack. I made the way here, and that's when-

OFC. CLARK: You do a three?

OFC. SANTANA: Yeah.

INV. CARPENTER: He did three.

OFC. SANTANA: There's a three right there.

OFC. CLARK: Okay, sorry.

OFC. SANTANA: So, three is where I was giving him Spanish commands, and I eventually made my way around here for to get a better vantage point of him, and to have a closer location to speak Spanish to him. And I mean that's when – pretty much where I was until the shots were fired, and I retreated back to the sidewalk, almost to number one. So, I guess I'll make that five, or-

INV. CARPENTER: Okay. Thank you. Did you sign it and date it, for me? Okay, thank you. Officer Clark?

OFC. CLARK: Regarding him being a Spanish speaker, did you know for sure that someone had actual knowledge he was a Spanish speaker? I heard somebody say, you - you testified earlier, that somebody was like, "We need a Spanish speaker?"

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Did someone say, "That's because his mother came out and told us he only understands Spanish"?

OFC. SANTANA: I just heard someone screaming that he was a Spanish speaker.

OFC. CLARK: Okay. Do we have to be certified to be a Spanish speaker in an emergency situation?

OFC. SANTANA: No.

OFC. CLARK: Okay. Can we-

OFC. SANTANA: Okay.

OFC. CLARK: Can we do the best we can with - let's say you knew five words of Spanish, in this situation. Would you try and use those?

OFC. SANTANA: Yes.

OFC. CLARK: Okay. Would this be qualified as an emergency situation, where you use a non-certified translator until a certified got on scene.

OFC. SANTANA: Correct.

OFC. CLARK: Okay. Can you use a non-certified translator even if a certified translator's somewhere on scene?

OFC. SANTANA: Yes.

OFC. CLARK: Okay. When officers yelled, "Stop!" or were like, "Hey! Don't reach for" or whatever they yelled when he was fidgeting, did he respond, a couple different times by actually freezing and stopping what he was doing?

OFC. SANTANA: Yes.

OFC. CLARK: Would that lead - would it be a safe assumption or lead you to believe that he actually understood English, since he did what they asked him to do?

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OFC. SANTANA: Yes.

OFC. CLARK: Okay. Interpret versus translate, just to clear it up. So, do people speak with different accents?

OFC. SANTANA: Yes.

OFC. CLARK: Different dialects?

OFC. SANTANA: Yes.

OFC. CLARK: Even inside like, say, a state in Mexico, do they have different dialects and different accents, inside a specific state?

OFC. SANTANA: Yes.

OFC. CLARK: Okay. So, is that why we call it interpreting versus translating, 'cause it's not word-for-word?

OFC. SANTANA: Yes.

OFC. CLARK: Regarding de-escalation, did you try to attempt to use verbal persuasion prior to using the less lethal ERIW?

OFC. SANTANA: I mean, my verbal persuasion was like "Open the trunk, let me see you hands" and what not. I wasn't going on discourse of like, "Okay, come on, man, like let's have a chat. Get out." I don't think – it didn't seem feasible, at that point.

OFC. CLARK: Oh, yeah, totally. So, did you say, instead of – instead of just using the ERIW, did you give comm – verbal persuasion – is it a command? It doesn't have to be a fireside chat.

OFC. SANTANA: Yeah.

OFC. CLARK: - or a talky thing.

OFC. SANTANA: Correct.

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OFC. CLARK: Is that the lowest level of force?

OFC. SANTANA: Yes.

OFC. CLARK: Okay. Was physical control something you could have used in the situation?

OFC. SANTANA: Not in that situation.

OFC. CLARK: Okay. Could you have used your OC or chemical agent from the distance you were at?

OFC. SANTANA: No, it was too far.

OFC. CLARK: And you would have – is the situation ever where you would go hands-on?

OFC. SANTANA: No. It was a person with a gun. No.

OFC. CLARK: Okay. Would you use – run up to the trunk and try and use your baton?

OFC. SANTANA: No.

OFC. CLARK: Okay. So, is it safe to say that besides verbal persuasion, the only options you really had were verbal persuasion, ERIW and firearm, which were, two of them being projectiles, because of the distance?

OFC. SANTANA: Correct.

OFC. CLARK: Okay. And did you try the first one, then it was unsuccessful?

OFC. SANTANA: Correct.

OFC. CLARK: And then you tried the second one.

OFC. SANTANA: I mean, I – we didn't get to the second, 'cause we were kind of reassessing it.

OFC. CLARK: The second one was ERIW.

OFC. SANTANA: Oh, yes, sorry. Yeah.

OFC. CLARK: Okay. So, regarding discussing tactics with

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an officer on scene, did you have the most info of anybody on scene when you arrived?

OFC. SANTANA: No.

OFC. CLARK: Okay. Would you probably have had the least info of anybody on scene when you arrived, considering you'd just gotten there?

OFC. SANTANA: Yes.

OFC. CLARK: Okay, and there was already, say, ten – at least ten officers on scene?

OFC. SANTANA: Mm-hmm.

OFC. CLARK: Okay. Were you the detaining officer?

OFC. SANTANA: No.

OFC. CLARK: Were you the investigating officer?

OFC. SANTANA: No.

OFC. CLARK: Were you the senior officer? So, I know you didn't – you didn't – you were – you earlier said you didn't know who was senior.

OFC. SANTANA: Okay.

OFC. CLARK: Do you know that there were that were on scene more senior to you?

OFC. SANTANA: At that point, I wasn't sure, no.

OFC. CLARK: Okay. Now do you know that – you got in two and a half years ago – if there were people with more seniority on scene?

OFC. SANTANA: Yeah.

OFC. CLARK: Okay. Would it have been counter-productive to tap someone on there and be like, "Hey, I'd like to discuss tactics with you" while they were, you know, had their guns

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trained or were giving commands, or something along those lines?

OFC. SANTANA: Yes, counter-productive.

OFC. CLARK: Cool. That's all I've got.

INV. CARPENTER: Okay. Is there any other statement, relevant to this incident, you wish to make at this time?

OFC. SANTANA: No.

INV. CARPENTER: Are there any witnesses or other evidence, relevant to this case that you intend to submit on your behalf?

OFC. SANTANA: No.

INV. CARPENTER: This is your last opportunity to submit material to DPA, IAD and the Chief of Police before an initial decision about whether or not to sustain any of the allegations in this case and what discipline, to impose, if any. Is there anything else you would like the chief to consider in that regard?

OFC. SANTANA: No.

INV. CARPENTER: The interview is concluded. The time now is 6:03pm.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER CORBYN CARROLL, #987

DATE OF INTERVIEW: 04/08/2019

SR. INV. CANDACE CARPENTER: This interview regarding DPA Case Number 0097-18 is taking place at the Department of Police Accountability on April 8th, 2019 at 1:26 p.m. Conducting this interview is myself, Senior Investigator Candace Carpenter, and DPA Attorney Tinnetta Thompson. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation. The member being interviewed is Corbyn Carroll, star number 987, who is a named officer in this matter. Representing Officer Carroll is?

POA ATTY. DON NOBLES: Don Nobles, POA Attorney.

SR. INV. CARPENTER: And Officer Carroll, have you read the DPA Form 293 and Allegation Form regarding the allegations of misconduct?

OFFICER CORBYN CARROLL: Yes.

SR. INV. CARPENTER: [UNINTELLIGIBLE]

SR. INV. TINNETTA THOMPSON: Okay.

SR. INV. CARPENTER: Thank you. Officer Carroll, because there may be criminal culpability on your part, I want to be certain you understand the following rights. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after

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questioning. Do you understand each of these rights that I have explained to you?

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: And with these rights in mind, would you like to answer my questions now?

OFFICER CARROLL: No.

SR. INV. CARPENTER: While you have the right to remain silent criminally, it is condition of your employment that you answer my questions in this administrative investigation. I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in Administrative discipline, including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only. It cannot be used against you criminally unless you choose to testify in such a criminal case. Do you understand this order?

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: Officer Carroll, will you answer my questions as ordered at this time?

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: Okay. Officer Carroll, I provided you with a DPA Administrative Interview Advisement Form. And for the record, I note that Officer Carroll has handed me a DPA

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Administrative Interview Advisement Form which bears his signature and the star number and today's date. Also I note that the form has been signed by his Representative, Don Nobles. I will stare this form in the DPA file for this case. Are you prepared to be interviewed at this time?

OFFICER CARROLL: Yep.

SR. INV. CARPENTER: Okay. So this interview is regarding an incident regarding a person with a gun that occurred on March 6th, 2018 starting at approximately 10:36 p.m. at 20th and Capp Street. The subjects involved in the incident, Mr. Jose Jesus Delgado-Duarte, will be referred to as "Mr. Duarte" or "Duarte". Mr. [redacted] will be referred to as "[redacted]". [redacted] will be referred to as [redacted] So what I'm going to ask is that you just tell me what happened without any interruptions or asking any additional questions. And then we'll start from the beginning with your background, and then the events that occurred. Okay?

OFFICER CARROLL: Cool.

SR. INV. CARPENTER: All right. So tell me what happened on March 6th.

OFFICER CARROLL: Unit came over the air regarding a on-view robbery of some kind or being notified of a robbery. I can't quite remember which of the two it was. Something regarding a robbery requesting other units to come and help out with the search. We--me and my partner and another officer hopped in a marked patrol vehicle and were told that the suspect vehicle was stopped at Capp and 20th or Capp and 21st. One of the two. It moved prior to like us getting there to its like

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final resting location. Came on-scene with a bunch of other officers. One--my partners and I were the first arrest team of the first subject. I don't know who that was. But the one who was resting, detained in the police car. Put him in the police car, went back out. Was kind of a pseudo-standoff situation with trying to persuade the subject in the back of--trunk of a Honda Civic to exit the trunk and show his hands. He was uncooperative. We believe maybe he did not speak English. So officers who spoke Spanish, because I believe that was the only language that the other officers had available, were trying to give him orders in Spanish. Subject did not comply. Subject was bean-bagged one or two times. Can't recall the specifics. He then exclaimed, like, "Fuck you," or "Go fuck yourself," or something like that. And fired off--at least one round in our general direction, to which we responded with fire to submission. And he was then placed into cuffs. And given the proper medical care that we could at that time to give him.

SR. INV. CARPENTER: Okay. And that's it?

OFFICER CARROLL: That's it.

SR. INV. CARPENTER: All right. So did you review any documents to prepare for this interview?

OFFICER CARROLL: I re-heard a--recorded statement that was our group statement that was given. But that was it.

SR. INV. CARPENTER: A group statement?

OFFICER CARROLL: Like a--we arrived at the--pretty much what I just told you. Like, arrived at this date and time regarding an event that happened.

SR. INV. CARPENTER: Is this a public safety statement?

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OFFICER CARROLL: Public safety statement. Yeah.

SR. INV. CARPENTER: Okay.

OFFICER CARROLL: But that was it. I didn't watch any BWC footage or anything like that.

SR. INV. CARPENTER: And how many times have you been interviewed regarding this incident?

OFFICER CARROLL: The initial--this, what, like three times?

SR. INV. CARPENTER: Do you recall which--

POA ATTY. NOBLES: [UNINTELLIGIBLE] this interview.

OFFICER CARROLL: Okay.

SR. INV. CARPENTER: And do you recall who you were interviewed by?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Were you interviewed by Internal Affairs?

OFFICER CARROLL: Yes. I don't know who the Sergeants were, though.

SR. INV. CARPENTER: Okay.

OFFICER CARROLL: It was an Hispanic Sergeant and a very tall White Sergeant. Sorry.

SR. INV. CARPENTER: And were you interviewed by Homicide?

OFFICER CARROLL: Yes. At 850. I don't, again, recall which Sergeants were the Interviewing Sergeants.

SR. INV. THOMPSON: And that would be 850 Bryant Street, the Homicide--

OFFICER CARROLL: Yes. Yes. Sorry. Yeah. 850 Bryant.

SR. INV. CARPENTER: As time has passed, have you remembered

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details of the incident that you were unable to recall shortly after the incident?

OFFICER CARROLL: No.

POA ATTY. NOBLES: Yeah. The Sergeant was Pilar Torres for the IA. And John Crudo.

SR. INV. CARPENTER: Thank you.

POA ATTY. NOBLES: Hm-hmm.

SR. INV. CARPENTER: Is there anything that was not covered in those interviews that you would like to add to the re--to the record at this time?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Is there anything that you'd like to clarify?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Other than your Rep or Attorney, have you spoken to anyone about this case?

OFFICER CARROLL: No.

SR. INV. CARPENTER: And how long have you been employed by SFPD?

OFFICER CARROLL: Since [redacted].

SR. INV. CARPENTER: [redacted]?

OFFICER CARROLL: Yeah.

DPA ATTY. THOMPSON: Any prior law enforcement experience?

OFFICER CARROLL: No.

SR. INV. THOMPSON: Where did you do the Academy at?

OFFICER CARROLL: San Francisco Police Academy.

SR. INV. CARPENTER: And where were you stationed at the time of the incident?

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OFFICER CARROLL: Mission Police Station.

SR. INV. CARPENTER: And how long were you assigned to the Mission Station?

OFFICER CARROLL: Like four months, I believe. Not very long.

SR. INV. CARPENTER: And do you recall your assigned sector?

OFFICER CARROLL: Think it was the 4-car.

SR. INV. CARPENTER: 4 as the 4--

OFFICER CARROLL: Well, the 14 David would be our unit. And it's just a certain area in the Mission District.

SR. INV. THOMPSON: Where were you prior to being stationed at Mission Station?

OFFICER CARROLL: I did one year at Taraval and I did-- think it was like six months or close to it at Tenderloin.

SR. INV. THOMPSON: And was the 4-car and the 14 David your assigned sector on March 6th?

OFFICER CARROLL: Yes, it was.

SR. INV. CARPENTER: And where are you currently stationed?

OFFICER CARROLL: I'm still stationed at Mission Station but I'm detailed to the Homeless Unit.

SR. INV. CARPENTER: And had you had any previous involvement with [redacted] prior to this incident?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Had you have any previous involvement with [redacted]

OFFICER CARROLL: No. Not that I recall.

SR. INV. CARPENTER: Prior to the incident? And have you had any previous involvement with Jesus Delgado-Duarte prior to

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this incident?

OFFICER CARROLL: Not that I can recall.

SR. INV. CARPENTER: You were on duty March 6th, 2018. Is that correct?

OFFICER CARROLL: [UNINTELLIGIBLE] [CLEARED THROAT IN BACKGROUND]

SR. INV. CARPENTER: And what was your shift?

OFFICER CARROLL: Swing shift, I believe.

SR. INV. CARPENTER: Swing. And how many hours of sleep had you had the night before?

OFFICER CARROLL: Full night. Eight hours for sure.

SR. INV. CARPENTER: What time did you arrive at work that day?

OFFICER CARROLL: I think we were 16:00 so probably like--15:15, 15:30. I can't remember if I worked out prior or not.

SR. INV. CARPENTER: And did you make line-up?

OFFICER CARROLL: I did.

SR. INV. CARPENTER: And you say that you had two partners that day?

OFFICER CARROLL: Arriving I had one partner but going to the scene there was two other people in the vehicle that I went. So at that time I would just--for ease say that I had two partners going to the scene. [PHONE RING]

OFFICER CARROLL: Okay.

SR. INV. THOMPSON: Is it normal to have four people in a car or is--was it just because of the nature of the call?

OFFICER CARROLL: It was just 'cause of the nature of the call that we had three, we had three people.

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SR. INV. THOMPSON: Okay.

OFFICER CARROLL: Three people in the car.

SR. INV. CARPENTER: And who were those individuals?

OFFICER CARROLL: Ari Smith-Russack and Officer Colby Smets.

SR. INV. CARPENTER: And who was your original partner?

OFFICER CARROLL: Russack.

SR. INV. CARPENTER: Russack? Okay.

SR. INV. CARPENTER: And where were you when you received the call?

OFFICER CARROLL: Having lunch.

SR. INV. CARPENTER: Okay.

SR. INV. THOMPSON: Had you responded to any calls prior to lunch?

OFFICER CARROLL: Yes. Nothing notable.

SR. INV. THOMPSON: Okay.

OFFICER CARROLL: That I can recall.

SR. INV. THOMPSON: Do you know what area or which street you were on when you received the call?

OFFICER CARROLL: Yeah, I was actually like having lunch in Mission Station.

SR. INV. THOMPSON: Oh.

OFFICER CARROLL: Second floor. I was like, I think three or four bites into a burrito. Super-healthy lunch.

SR. INV. THOMPSON: That's all right. [LAUGH]

SR. INV. CARPENTER: And who was the senior officer between the three of you?

OFFICER CARROLL: That would be me.

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SR. INV. CARPENTER: And how long had you worked with Officer Ari Smith-Russack?

OFFICER CARROLL: So the entire time I was there.

SR. INV. CARPENTER: Okay. The four months?

OFFICER CARROLL: Hm-hmm.

SR. INV. THOMPSON: Is that a yes?

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: And do you wear glasses?

OFFICER CARROLL: No.

SR. INV. CARPENTER: And please describe the uniform you were wearing on that day?

OFFICER CARROLL: Class B. So the standard wool with a star and name tag and gun belt with all the standard issue.

SR. INV. THOMPSON: And you don't wear glasses. Do you wear contact lenses?

OFFICER CARROLL: No. No.

SR. INV. THOMPSON: Okay. So nothing's wrong with your eyesight.

OFFICER CARROLL: No, I actually have very good eyesight.

SR. INV. CARPENTER: And what equipment did you have on your person?

OFFICER CARROLL: Two magazines, OC spray, baton, radio, gloves, firearm. Don't think I had a med kit at that time. Tourniquet. About it.

SR. INV. CARPENTER: And what was your primary weapon?

OFFICER CARROLL: Was the handgun.

SR. INV. CARPENTER: And what's the description of your handgun?

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OFFICER CARROLL: A black Sig 226-R.

DPA ATTY. THOMPSON: And is that a Sig Sauer?

OFFICER CARROLL: Yes, ma'am.

DPA ATTY. THOMPSON: Is that semi-automatic?

OFFICER CARROLL: Yes, ma'am.

SR. INV. CARPENTER: And do you carry a back-up weapon?

OFFICER CARROLL: No.

SR. INV. CARPENTER: And was y our gun fully loaded?

OFFICER CARROLL: Yes, it was.

SR. INV. CARPENTER: And how many bullets did you have when you started your shift?

OFFICER CARROLL: Thirteen including the one already in the chamber plus two full magazines of 12 in each.

SR. INV. CARPENTER: And what less lethal options did you have on your person?

OFFICER CARROLL: I did not have a less lethal option on my person.

SR. INV. CARPENTER: And when you responded to the scene, were you in a vehicle?

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: And were you the driver?

OFFICER CARROLL: Yes, I was.

SR. INV. CARPENTER: And what type of vehicle were you in?

OFFICER CARROLL: A black-and-white marked Taurus.

SR. INV. CARPENTER: And what equipment did you have in your vehicle?

OFFICER CARROLL: I do not recall. But--besides like the MDT and like--radios and all that stuff, I believe we had a

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rifle and we had a less lethal option also.

SR. INV. CARPENTER: What was the less lethal?

OFFICER CARROLL: It was in the trunk. I'm sorry?

SR. INV. CARPENTER: What would be the less lethal option?

OFFICER CARROLL: A bean bag gun.

SR. INV. CARPENTER: Okay. And who was your supervisor?

OFFICER CARROLL: I do not recall.

SR. INV. CARPENTER: And who did you provide a statement to regarding the incident?

POA ATTY. NOBLES: [CLEARS THROAT] Excuse me.

OFFICER CARROLL: I don't recall what Sergeant I did that.

SR. INV. CARPENTER: But you know it was a Sergeant?

OFFICER CARROLL: Yeah. Somebody of rank, for sure.

SR. INV. CARPENTER: And what type of training had you received regarding felony traffic stops?

OFFICER CARROLL: We receive training through the Academy. I'm--I don't recall how many hours specifically it was. But we definitely received it at the Academy training for felony stops.

SR. INV. CARPENTER: What about any experience? Have you experienced any felony stops?

OFFICER CARROLL: Multiple felony stops throughout the Tenderloin.

SR. INV. THOMPSON: In the Academy, do you do simulations regarding felony stops?

OFFICER CARROLL: Correct with blue plastic weapons just to simulate, also like the pointing [UNINTELLIGIBLE] stuff, too.

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SR. INV. THOMPSON: I'm sorry. Can you repeat that last part?

OFFICER CARROLL: To simulate like the pointing and like making sure, holding everything correctly.

SR. INV. THOMPSON: And "pointing", as in your firearm.

OFFICER CARROLL: Correct.

SR. INV. CARPENTER: And what type of training had you received regarding barricaded suspects?

SR. INV. CARPENTER: We went over that in CIT training. We would have gone over that in the Academy as well. And I can't recall any other specifics.

SR. INV. CARPENTER: Any experience with barricaded subjects in the field?

OFFICER CARROLL: Yes. In the Taraval, we had a couple barricaded suspects that I came out to the help of CIT and our hostage negotiation officers.

SR. INV. CARPENTER: And what role did you have in those barricaded--or those incidences?

OFFICER CARROLL: Couple times I was attempting to be the lead that ended up, it didn't work out and I switched out with a like trained hostage negotiator? And then the other times I was on the perimeter.

SR. INV. THOMPSON: Can you describe those times when you initially were the lead and then switched over to the--

OFFICER CARROLL: Yeah. Usually it was a 5150 call. So someone a danger to themselves, others, or greatly disabled. And usually it was--having something to do with like--I believed it was like a mental illness kind of thing so it was just

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basically trying to connect with them on whatever level they could be comfortable with in order to hopefully come out. Sometimes there was a weapon involved, sometimes there was not. Usually it was just kind of a waiting game for when they finally became comfortable and gave up the idea of wanting to hurt themselves or someone else that was in the house.

SR. INV. CARPENTER: So it was in the home situation?

OFFICER CARROLL: Usually, yes.

SR. INV. CARPENTER: Okay. And were you outside of the home? Or were you inside--

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: You're outside of the home?

OFFICER CARROLL: Hm-hmm.

SR. INV. CARPENTER: And did they have hostages?

OFFICER CARROLL: One--

SR. INV. CARPENTER: During the incident?

OFFICER CARROLL: One, I believe that there was, like a grandmother or something in the house. And they let the grandmother out within like the first like five minutes or ten minutes.

SR. INV. CARPENTER: And was that the one that you took the lead and then you--deferred to the--

OFFICER CARROLL: No, I was not the lead on that one.

SR. INV. CARPENTER: No? Okay. What type of training had you received regarding suspects in trunks?

OFFICER CARROLL: Specifically for a suspect in a trunk? I did not receive any exact training for someone being a suspect in a trunk.

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SR. INV. CARPENTER: Okay. No scenario in the Academy?

OFFICER CARROLL: Not that I can recall.

SR. INV. CARPENTER: Okay. What type of training had you received regarding armed suspects?

OFFICER CARROLL: We have a [FATS] training that we--I can't remember like the acronym for FATS. You're gonna ask me that, I'm sorry. But it's--in the simulation's usually like a video and you're watching the video and the video is controlled by a person trained in your responses to the artificial person that's going through some type of event, whether it's they're going to commit suicide or they did rob somebody or they're presumably mentally ill and then all of a sudden they turn around and they have a weapon and stuff like that. So it's trying to use whatever techniques you can to either subdue the person or convince the person to drop the weapon or solve their problem for them.

SR. INV. CARPENTER: And what type of training had you received regarding law enforcement tactics?

OFFICER CARROLL: Well, I mean, like the Academy would be considered--

SR. INV. CARPENTER: Do you recall how many hours of tactical training you received at the Academy?

OFFICER CARROLL: So what do you mean by "tactical"?

SR. INV. CARPENTER: Tactics, when you're responding to a felony vehicle stop or armed suspect, ways in which you can use de-escalation. Ways in which you can safely--

OFFICER CARROLL: Okay.

SR. INV. CARPENTER: Approach situations.

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OFFICER CARROLL: A lot. Like over a month's worth 'cause like tactically I would throw like EVOC in there. I would throw CIT in that category. I would throw the--like the hell week where we go out and we, you know, learn how to clear buildings properly and we're like running it [O-Dark 30] in the morning, carrying tires, trying to do like the mental thing and then they're asking us questions like a--you know, a lot of time. That's like a--there's a lot of categories I could--I think like could be subdivisions of like tactics.

SR. INV. THOMPSON: And if you can remember what do those acronyms stand for, ELOC and CIT.

OFFICER CARROLL: Sorry. EVOC--

SR. INV. THOMPSON: EVOC.

OFFICER CARROLL: Is--the driver training and CIT being like the Critical Incident Training for like--like a hostage negotiated move--but, I mean, ideally you'd want a hostage negotiator, right, because they're better-trained than us. But like--you have no other option, that's-- the best you're gonna get for the time, right?

SR. INV. CARPENTER: Do you speak any other languages?

OFFICER CARROLL: No.

SR. INV. CARPENTER: You stated that you received CIT training?

OFFICER CARROLL: Yes, ma'am.

SR. INV. CARPENTER: Where'd you receive CIT training?

OFFICER CARROLL: Fresh out of the Academy. So that week after I graduated in June?

SR. INV. THOMPSON: Did you receive any certification?

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OFFICER CARROLL: Yeah. We got like a little like print-out thing saying "Congratulations, you passed."

SR. INV. THOMPSON: How long was that training?

OFFICER CARROLL: One week. So 40 hours.

SR. INV. CARPENTER: And had you received Advanced Officer Training?

OFFICER CARROLL: Yeah. Well--yes. Prior to that incident, I did. Like--two months prior, I believe. That was when I first one [UNINTELLIGIBLE].

SR. INV. THOMPSON: What did that entail?

OFFICER CARROLL: Honestly, like a repeat of the Academy. I mean, it's--I'm sure other people did learn new things but being so new on a lot of the new policies in that two-year period was included in my Academy for like that change that the police rules was going through. So. It was just a refresher.

SR. INV. CARPENTER: Okay. So were you trained on the new Use of Force policy when you were in the Academy? [UNINTELLIGIBLE]

OFFICER CARROLL: I believe I was.

SR. INV. CARPENTER: Okay.

SR. INV. THOMPSON: If not, then you received it in the AO training?

OFFICER CARROLL: Correct.

SR. INV. THOMPSON: And what type of training did you receive with regards to discharge of your firearm under DGO 5.02 and Use of Force, 5.01. Academy or, you know, [UNINTELLIGIBLE].

OFFICER CARROLL: The--yeah, so the Academy, they went over that aggressively. It was like I think one of the DGOs you

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like had to know, that was--and then FTO, they went over it, too. That was like--I think it was like a piece of paper like this where they gave it to you and included a bunch of blanks and you and to fill it out. And that was like the one major test where it was like if you didn't score like a 90 percent or higher on it, like, you failed out.

SR. INV. CARPENTER: The Use of Force DGO or the--

OFFICER CARROLL: Yeah. There was multiples in there but the Use of Force and like all--all the major ones were in there so you had to know them all. And then AO, we went over it. And then you go over it in line-up trainings also.

SR. INV. THOMPSON: Any simulations?

OFFICER CARROLL: In regards to like actually like discharging?

SR. INV. THOMPSON: Yes. To your knowledge.

OFFICER CARROLL: Nah. Not that I'm aware of. And, I mean, unless you're including like the range where they--you know, are shooting targets but I wouldn't categorize that as the same thing.

SR. INV. THOMPSON: How would the training go then, like at the Academy or in Advanced Officer? With regards to DGOs 5.01, 5.02--

OFFICER CARROLL: They would just be going over it, like, just talking it out kind of like if you're in this situation, like, what would you do? What steps would you go to? Is that like--and then someone may get it right or someone may get it wrong. And they would like question you, kind of, to do the whole like second-guessing thing? Right? Because you really

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can't. You can't be second-guessing yourself. You're either right or you're not. So they just make sure that we had it like dialed in that, you know, is this person a direct threat? Is--would this be a negligent discharge or not? Like stuff like that.

SR. INV. CARPENTER: Did you receive de-escalation training?

OFFICER CARROLL: I did. That would be part of, I believe, the CIT training.

SR. INV. CARPENTER: And had you received training on crisis negotiation?

OFFICER CARROLL: Think in AO we went over it a little bit but I would, again, put that in the--I think in CIT, we would be going over that also.

SR. INV. CARPENTER: How are you trained to fire your weapon regarding the threat? Is it rapid-fire, four or more shots, then assess, or is it two or more and then assess? How are you trained to fire your weapon?

OFFICER CARROLL: I went to the Range this month about two weeks ago and I believe it was two shots. Prior to that I do not recall the specific amount.

SR. INV. CARPENTER: So you're trained currently now to fire twice and then assess?

OFFICER CARROLL: If it's--if you can, yes.

SR. INV. CARPENTER: Okay.

OFFICER CARROLL: It's very easy to train and assess when no one's shooting back at you.

SR. INV. CARPENTER: Is it like rapid-fire? Or is it fast fire?

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OFFICER CARROLL: Person-to-person, it changes.

SR. INV. CARPENTER: Okay.

OFFICER CARROLL: Some people take the whole time limit that you're given. Some people don't. Some people also hit the target and some people don't, too, so that's--

SR. INV. CARPENTER: And when you're assessing, is your weapon at the low-ready? Or is it still--are you still scanning--

OFFICER CARROLL: Relaxed. Well, I mean--so when we were there, the way they're training the new--low-ready is like still a scan? That's at least how I took it. I guess it's up to perception of the person. So you're ready to--so like you're--you're not holding your firearm out, straight out in the scan, right? And you're doing like this whole like wavy motion. You're not doing that any more. You're still scanning, obviously, because there still could be a [UNINTELLIGIBLE] that pops up but you're coming low. So you're not pointing it directly at them. But you're ready to push back out if need be. Does that make sense?

SR. INV. THOMPSON: Can you clarify what "scanning" is?

OFFICER CARROLL: Scanning would be assessing the immediate area for a possible threat.

SR. INV. THOMPSON: And what are you--are you using your eyes? Are you using--is your hands moving? Like can you describe what you would--

OFFICER CARROLL: a [UNINTELLIGIBLE] that pops up but you're coming low. So you're not pointing it directly at them. But you're ready to push back out if need be. Does that make

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sense?

SR. INV. THOMPSON: Can you clarify what "scanning" is?

OFFICER CARROLL: "Scanning" would be assessing the immediate area for a possible threat.

SR. INV. THOMPSON: And what are you--are you using your eyes? Are you using--is your hands moving? Like can you describe what you would--

OFFICER CARROLL: Yeah. I mean, yeah, you would be--you would be rotating your body from one side to the other and back in a--I mean, ideally you'd like to look over your shoulder, too, to get a 360 view. But if you're too zoned in, then you may not. But say at least 180 degrees.

SR. INV. CARPENTER: So you don't scan with your sights?

OFFICER CARROLL: You could.

SR. INV. CARPENTER: Okay.

OFFICER CARROLL: I think that would be a really bad idea.

SR. INV. CARPENTER: Okay.

OFFICER CARROLL: Think that--probably produce a worse outcome than a better outcome. I mean, like, think about it. You're looking down with--you're looking through this, the whole situation, right? As opposed to holding it down here and I'm looking at you. I can clearly see you. If I'm looking through the pinhole, I'm going to see maybe your nose and eyes? It's a bad idea.

SR. INV. CARPENTER: Hm.

SR. INV. THOMPSON: And when we're going over the questions, just give us time to--

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OFFICER CARROLL: Yes.

SR. INV. THOMPSON: Respond without--see how [UNINTELLIGIBLE] now?

OFFICER CARROLL: Go for it.

SR. INV. THOMPSON: So, yeah. No. [LAUGH] No, it's just like if you testify in court, right? The court reporter's gonna yell at you if you cut another person off.

OFFICER CARROLL: Hm.

SR. INV. THOMPSON: Because it still has to be transcribed. So that's why. So I'm saying just wait till we finish. I'll wait for you to finish and that way it can flow easier. It's kind of counter-intuitive because you know what you want to answer. So you just want to get it out there. So that's why, yeah. That make sense?

OFFICER CARROLL: Yeah.

SR. INV. THOMPSON: That's it.

SR. INV. CARPENTER: All right. Cool. So when you arrived at the scene, you were having lunch at Mission Station.

OFFICER CARROLL: Hm-hmm.

SR. INV. CARPENTER: So do you recall how long it took you to get from Mission Station to Capp Street? 20th and Capp Street?

OFFICER CARROLL: No.

SR. INV. CARPENTER: And what information did you receive prior to responding to the call?

OFFICER CARROLL: That there was a robbery on view.

SR. INV. CARPENTER: Did they state that there was a weapon involved?

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OFFICER CARROLL: I don't recall but by definition robbery is force through fear so there was some type of violence, I can assume, that was used in it.

SR. INV. CARPENTER: Did you discuss tactics or a plan with the other officers prior to responding to the scene?

OFFICER CARROLL: I can't recall.

SR. INV. THOMPSON: Who was driving?

OFFICER CARROLL: I was.

SR. INV. THOMPSON: All right. And where were the other people sitting? And who was sitting where?

OFFICER CARROLL: Russack was the passenger and Smets was directly behind me.

SR. INV. CARPENTER: And prior to exiting your vehicle, did you run any information on the vehicle or the parties involved?

OFFICER CARROLL: I couldn't--I don't think--I don't think Russack did either. I mean, they're--I'm not talented enough to drive and do that.

SR. INV. CARPENTER: When you arrived at the scene, did you run any information on the vehicle or the individuals involved?

OFFICER CARROLL: No.

SR. INV. CARPENTER: When did you activate your body-worn camera?

OFFICER CARROLL: Upon coming on-scene and I guess stepped out of the door and clicked it twice.

SR. INV. CARPENTER: Okay. Please describe in detail your involvement in the felony traffic stop or detention of Mr. Duarte.

OFFICER CARROLL: I was the arrest team on the first

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person who was detained. Got out of the driver's seat of the car. Walked back. Hands were up and out. His hands were up and out, away from his body. Came back to Smets and I. We put cuffs on him. And took him back to the--a patrol car--I don't even know what patrol car he was in. Think actually Smets put him in the car. I like--he may have pretty much [UNINTELLIGIBLE] him back. I was like, "Are you good?" because there was obviously some more people in the car so I was going to go back and just keep handcuffing people and take them back to the car. A simple routine. And so I went back. And then we started the long process of trying to persuade the person I the trunk to come out of the trunk.

SR. INV. THOMPSON: We're going to show you Exhibit A and this is [UNINTELLIGIBLE]--

SR. INV. CARPENTER: Exhibit 1.

SR. INV. THOMPSON: Oh, I'm sorry. 1, yes. Exhibit 1. If you would please write your name, your star number, and today's date in any of the corners of the page. And then if you can indicate what patrol car you were in when you pulled up by circling it and putting your initials.

SR. INV. CARPENTER: And we also have Exhibit 2, which is in color. I have some [UNINTELLIGIBLE].

SR. INV. THOMPSON: A couple of that, if it helps. If you--when you first got to the scene, where did you observe [redacted] [redacted] Which would be the one that you said was--where was the first person that you stopped I relation to the Honda Civic?

OFFICER CARROLL: The driver. In his car.

SR. INV. THOMPSON: He was inside of the car?

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OFFICER CARROLL: From what I can recall.

SR. INV. THOMPSON: Okay. And who else was on-scene when you arrived?

OFFICER CARROLL: Officer Chiu, Officer Gustilo, Officer Cassinelli, his partner--can't remember who's--what the--believe Mr. O'Rourke was there and obviously Smets and [UNINTELLIGIBLE]. I think those were the first people there.

SR. INV. THOMPSON: And how did you and your partners determine who would approach the Honda Civic to see the driver?

OFFICER CARROLL: I just decided.

SR. INV. THOMPSON: Okay. And was there anything obstructing your view when you saw the Honda Civic?

OFFICER CARROLL: No.

SR. INV. THOMPSON: Okay. Did you look at the trunk when you approached? And got out of your car?

OFFICER CARROLL: No.

SR. INV. THOMPSON: No. Okay. And what happened when you encountered [redacted], the driver of the black Honda Civic. What happened then?

OFFICER CARROLL: Put him in cuffs. Picked him up and--took him back to whatever patrol car he was put into.

SR. INV. THOMPSON: Well, why did you put him in cuffs?

OFFICER CARROLL: At that point, we weren't sure who was the actual suspect or accomplice or whatever definition the person you want to give. But they were--per what I was told--positively I.D.'ed as the people involved. And therefore, everybody's going into custody and detained.

SR. INV. THOMPSON: Okay. So this was a detention.

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OFFICER CARROLL: At that point, I believe it was still a detention. I don't know what the crime was or who actually committed it. But--

SR. INV. THOMPSON: And when you put [redacted] in handcuffs, did you say anything to him?

OFFICER CARROLL: Not that I recall.

SR. INV. THOMPSON: Did [redacted] say anything to you?

OFFICER CARROLL: I mean, I--I remember him kind of like yelling and being a little loud but I don't remember anything.

SR. INV. THOMPSON: Was he being cooperative with you as far as putting him in handcuffs?

OFFICER CARROLL: Yeah. Yeah, it wasn't a fight.

SR. INV. THOMPSON: Do you remember what patrol car you put him in, once you put him in handcuffs?

OFFICER CARROLL: No.

SR. INV. THOMPSON: What happened next?

OFFICER CARROLL: I went back out to be the second arresting.

SR. INV. THOMPSON: Can you explain that for me?

OFFICER CARROLL: So--sorry. Like the--I went back out to repeat what I just did with Officer Smets.

SR. INV. THOMPSON: And who were you going to put into handcuffs at this point?

OFFICER CARROLL: Whoever was coming out next.

SR. INV. THOMPSON: Okay. And did you see anybody when you were--when you put the handcuffs on [redacted], did you see anybody else in the vehicle?

OFFICER CARROLL: At that point, I did not.

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SR. INV. THOMPSON: Okay. And when you saw [redacted], was his--was the Honda Civic door open or closed?

OFFICER CARROLL: The driver door?

SR. INV. THOMPSON: The driver's side, yes.

OFFICER CARROLL: I believe I saw him actually get out of the vehicle. So I guess it was closed and then it was opened.

SR. INV. THOMPSON: Okay. And did you tell him to get outside the car or did he just come outside?

OFFICER CARROLL: I don't believe I gave him directions but he was--I mean, I may have been where I keep backing up, keep backing up, or whatever. But I don't recall being the person actually giving orders to him.

SR. INV. THOMPSON: And do you recall if the interior lights came on when he was getting out of the car, if they were on?

OFFICER CARROLL: No clue.

SR. INV. THOMPSON: Do you know if the car's lights were on at that point? The exteriors.

OFFICER CARROLL: No.

SR. INV. CARPENTER: Oh, I'm sorry. By the time that you had arrived at the scene and you detained [redacted], who was the highest-ranking officer at the scene?

OFFICER CARROLL: I don't know.

SR. INV. CARPENTER: Who was giving the commands when you arrived at the scene?

OFFICER CARROLL: From what I recall, Officer Cassinelli.

SR. INV. CARPENTER: Where was Officer Smith-Russack when you and Officer Smith were part of the arrest team?

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OFFICER CARROLL: He was like right there. This is the red truck, right?

SR. INV. THOMPSON: If that's what you recall.

OFFICER CARROLL: He was behind like a red truck. That-- that one right there. So that's--

SR. INV. CARPENTER: So Exhibit 2.

OFFICER CARROLL: It's like [UNINTELLIGIBLE]--

SR. INV. CARPENTER: There's like two red trucks.

OFFICER CARROLL: No, like the Ford Ranger, the red one.

SR. INV. CARPENTER: The Ford Ranger?

OFFICER CARROLL: So you have orange like F-10 or whatever like--

SR. INV. THOMPSON: Can you sign, date and put your star number on this Exhibit 2 and then put--circle and initial where you saw Officer--

SR. INV. CARPENTER: Smith-Russack?

SR. INV. THOMPSON: His initials, if you know them.

OFFICER CARROLL: Okay, so--

SR. INV. THOMPSON: Okay. This is--

SR. INV. CARPENTER: [UNINTELLIGIBLE] with the marker. That's better.

SR. INV. THOMPSON: Hm.

OFFICER CARROLL: That's okay.

SR. INV. THOMPSON: If you can do the same to Exhibit 1. Where Officer Smith-Russack was.

OFFICER CARROLL: Okay. Which car are we gonna call the--

SR. INV. THOMPSON: The red car, to your best of knowledge,

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which one was the red car?

OFFICER CARROLL: Had to call that--

SR. INV. CARPENTER: [UNINTELLIGIBLE] that one.

OFFICER CARROLL: I'm going to call this one the red trunk. Just write "red truck". Sign it still.

SR. INV. CARPENTER: And were you concerned about cover?

OFFICER CARROLL: No.

SR. INV. THOMPSON: Thank you.

SR. INV. CARPENTER: And why not?

OFFICER CARROLL: Didn't think it was gonna be a shooting.

SR. INV. CARPENTER: When you arrived at the scene, did you speak to Officer Cassinelli?

OFFICER CARROLL: Like right away? No. I didn't like walk up and have like a face-to-face conversation with him, no.

SR. INV. CARPENTER: Well, when did you speak to him? Do you recall?

OFFICER CARROLL: I think I like shouted at him a couple times but that's about it. I never had like a face-to-face conversation with him.

SR. INV. CARPENTER: Did you know what was going on at the scene, other than the felony stop? And getting individuals out of the vehicle?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Did you know Mr. Duarte was the one who committed the robbery?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Anywhere? So when you returned back to

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the scene after Mr. [redacted] was detained, did Mr. [redacted] tell you anything about who was in the vehicle?

OFFICER CARROLL: Not that I recall.

SR. INV. CARPENTER: Did you ask Mr. [redacted]--

OFFICER CARROLL: No.

SR. INV. CARPENTER: If he was in the vehicle? Okay. So after you detained Mr. [redacted], where did you go? Did you go to the first car?

OFFICER CARROLL: Yeah.

SR. INV. CARPENTER: Okay. Did you go to the driver's side of the first car?

OFFICER CARROLL: Correct.

SR. INV. CARPENTER: Okay. And just for the diagram, can you just--well, does he need to--

SR. INV. THOMPSON: Yeah--

SR. INV. CARPENTER: Track his--

SR. INV. THOMPSON: Just--

SR. INV. CARPENTER: His steps?

SR. INV. THOMPSON: Put your initials and then where--after you drove--put [redacted]--where your initials are, the car that you were in, and then an arrow in the direction of where you went to at that point.

SR. INV. CARPENTER: And at that time, did you provide lethal cover?

OFFICER CARROLL: I did. Oh, wait, no. I'm sorry. No, at that time I was not providing lethal cover.

SR. INV. CARPENTER: And what were you doing after you put [redacted] back in the--

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OFFICER CARROLL: Waiting to go get the next person that was coming out of the car.

SR. INV. CARPENTER: Okay. And was your weapon or your firearm out at this time?

OFFICER CARROLL: I don't believe so.

SR. INV. CARPENTER: When did you pull out your weapon? Your firearm?

OFFICER CARROLL: When the subject in the trunk was not cooperating with orders.

SR. INV. CARPENTER: Whose orders?

OFFICER CARROLL: The ones being given.

SR. INV. CARPENTER: So there were multiple people who provided--you stated that Officer Cassinelli provided orders.

OFFICER CARROLL: Hm-hmm.

SR. INV. THOMPSON: Is that a "yes".

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: Did you pull your firearm out after Officer Banegas got on the bullhorn to provide the orders in Spanish? Or before that?

OFFICER CARROLL: I don't recall. I definitely--when she started speaking--when there was bilingual translation going on, I definitely had my firearm out.

SR. INV. THOMPSON: How did you have it positioned?

OFFICER CARROLL: Low-ready out, not really--not--not directly pointed at the car, ready to go. That's for sure.

SR. INV. THOMPSON: What were the weather conditions like that evening?

OFFICER CARROLL: Pretty nice, I thought. I was wearing

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a jacket.

SR. INV. THOMPSON: Any mist or anything?

OFFICER CARROLL: Not that I can recall.

SR. INV. THOMPSON: What were the lights like? Is there any other artificial lighting?

OFFICER CARROLL: I mean, I'm kind of cheating because I'm looking at the photo so--yes. I mean, I--I remember being able to see pretty well, if that's--the question, so.

SR. INV. THOMPSON: Now how much time had passed when you first arrived on the scene to when you put [redacted] in one of the squad cars to when you came back out and had your gun in low-ready position?

OFFICER CARROLL: I mean, I'd go with like maybe a minute to when the subject was in the handcuffs. Minute and a half to--guess maybe I was back at the car and I was back, ready to lead the second arrest team and--I don't know. Think like another minute or two. When I--my gun was out.

SR. INV. THOMPSON: So less than five minutes.

OFFICER CARROLL: Yeah.

SR. INV. THOMPSON: And at this time, what are you hearing around you?

OFFICER CARROLL: Hm. I think everybody's just trying to figure it out. I think I remember everybody trying to figure out like what was going on and what we were going to do because we were kind of surprised that they weren't just coming out of the car. And, I mean, 'cause--this is kind of like a normal thing in the Mission. I mean, you just kind of--usually people like hear the orders and then they kind of--I mean, like--you

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can give them like 30 seconds and then like they're usually like all right, this may like go bad. And then we're like, "Please don't go bad," and they're like, "All right. Cool." And like they get out of the car and then it's quick handcuff and then paperwork.

SR. INV. THOMPSON: And what do you see as far as the trunk is concerned with the [UNINTELLIGIBLE] in this Honda Civic?

OFFICER CARROLL: At that time?

SR. INV. THOMPSON: Yes.

OFFICER CARROLL: It's open like--like six inches and there's obviously someone in the car at that--at that time.

SR. INV. THOMPSON: What made you believe someone was in the car?

OFFICER CARROLL: In the trunk? Because the--I mean, you saw a hand. Like holding it down.

SR. INV. THOMPSON: Was the trunk light on? Could you see?

OFFICER CARROLL: Couldn't tell you.

SR. INV. THOMPSON: And how far away, when you were--when you saw the trunk and you can tell that somebody was in there? How far away were you?

OFFICER CARROLL: I mean--not that--like 10, 15 feet.

SR. INV. THOMPSON: And anything obstructing your view at that time?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Were you able to see Mr. Duarte's face?

SR. INV. THOMPSON: At that time?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Was Mr. Duarte responding to any of the

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commands that were given to him?

OFFICER CARROLL: Nothing that I can recall.

SR. INV. CARPENTER: Did you speak--yell out a command to Mr. Duarte?

OFFICER CARROLL: I may have but I don't recall for the most part.

SR. INV. CARPENTER: By that time how many units were on the scene?

OFFICER CARROLL: I couldn't tell you. The majority of Mission Station, I would say, was there. I don't actually--'cause it's like when someone's calling for back-up, like, we all can handle our own for the most part. When someone's asking for help, everybody knows that like you need to get there. So--I would say--probably all of Swing Watch was there.

SR. INV. CARPENTER: Were there any Sergeants at the scene?

OFFICER CARROLL: I don't recall that.

SR. INV. CARPENTER: Explain the purpose of creating time and distance.

OFFICER CARROLL: It's just breathing room. I mean, it's--I think it's when people--when people deal with us, maybe they get a little nervous to begin with. And if we're very there and in their face and going through, I think it just jacks them up and they--they can't think and can't process so giving them the ability to like have their space and hear what we're saying, I think, allows for clearer thought on their end.

SR. INV. CARPENTER: Was there a lot of cross-talk?

OFFICER CARROLL: I--probably in the beginning but by the end it was--it was going pretty--think everybody caught each

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other up and while okay, one person is giving commands and--I think that was Banegas at that point.

SR. INV. CARPENTER: Who was right--who was next to you? Or who was in your area?

OFFICER CARROLL: Officer Chiu and Gustilo were behind me.

SR. INV. CARPENTER: Were you at a location of disadvantage in relation to Mr. Duarte?

OFFICER CARROLL: I don't think so.

SR. INV. CARPENTER: What was your primary concern at that point when he wasn't complying to the orders?

OFFICER CARROLL: My primary concern was hoping that he was going to comply with orders.

SR. INV. CARPENTER: Did you know there was a female in the backseat of the car?

OFFICER CARROLL: I believe I was actually the one who pointed out that there was a female in the backseat of the car.

SR. INV. THOMPSON: When was that? When did you point that out?

OFFICER CARROLL: Say like a minute, 30 seconds, you know, 30 seconds to a minute before we fired, I think.

SR. INV. THOMPSON: So that was after Officer Banegas was translating in Spanish or speaking in Spanish to Mr. Duarte?

OFFICER CARROLL: I think so. Yeah.

SR. INV. THOMPSON: Could you recall how many times other officers asked Mr. Duarte to get out the trunk or to see h is hands or give him commands to comply with your orders?

OFFICER CARROLL: The exact number, no, but like I would

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say like at least like 50-plus times.

SR. INV. THOMPSON: In what languages were these orders given?

OFFICER CARROLL: English and Spanish.

SR. INV. THOMPSON: Do you recall how many people may have been giving these orders at this time?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Do you recall Officer Santana being at the scene?

OFFICER CARROLL: Yes, I do.

SR. INV. CARPENTER: And where was he in relation to where you were?

OFFICER CARROLL: He was at the first car, I believe on the driver's side. And he--I believe it was the one who had--also had the less lethal cover that covered that one or two rounds.

SR. INV. CARPENTER: Okay. Did you hear Officer Santana give the red light?

OFFICER CARROLL: Yes.

SR. INV. THOMPSON: Can you explain the red light?

OFFICER CARROLL: Before firing a bean bag or less lethal option in order to reduce any possibility of a misfire of a lethal weapon, you--we are trained to say "red light, red light, less lethal, less lethal" out loud to then where all the other officers on the scene respond back saying, "red light, red light, less lethal, less lethal," and then usually the shot is fired unless the subject at that point complies before being decked with the bean bag and--

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SR. INV. CARPENTER: Did you repeat "red light, red light, less lethal"?

OFFICER CARROLL: I did.

SR. INV. THOMPSON: And prior to the red light command, did you hear Officer Banegas or Officer Santana give any commands to Mr. Duarte who was in the trunk to come out?

OFFICER CARROLL: Yes, I did.

SR. INV. THOMPSON: Do you recall what those commands were?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Were they in English?

OFFICER CARROLL: I believe in Spanish. Or both. Or actually I think Santana is more--I think is better at speaking it than Banegas is.

SR. INV. CARPENTER: Did you see Mr. Duarte's reaction after he was hit with the bean bag?

OFFICER CARROLL: Yeah.

SR. INV. CARPENTER: Can you describe what you saw?

OFFICER CARROLL: He pulled back and the body language looked like to me like he was pissed off.

SR. INV. THOMPSON: Can you describe that?

OFFICER CARROLL: Just kind of clenched fists and, you know, flexing and kind of jittery.

SR. INV. THOMPSON: Did you see both hands?

OFFICER CARROLL: No--not clearly. For sure, for sure one, but not--not clearly on the other hand, no.

SR. INV. THOMPSON: Do you recall which hand that you saw in the clenched fist position?

OFFICER CARROLL: I do not.

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SR. INV. THOMPSON: What made you believe that Mr. Duarte was agitated besides the clenched fist? Or "pissed off", as you--

OFFICER CARROLL: I would just go with it, I would probably be pretty frustrated if I got hit with that because it's not gonna feel very good so that alone would make me-- believe that he is pissed off, agitated.

SR. INV. THOMPSON: What made you believe that Mr. Duarte was hit with the bean bag?

OFFICER CARROLL: I--

SR. INV. THOMPSON: You saw it?

OFFICER CARROLL: Yeah, I mean, like I--you're--you're not gonna fake flinch when you get hit by that.

SR. INV. THOMPSON: So you saw Mr. Duarte flinch after Officer Santana fired the ER--sorry--

SR. INV. CARPENTER: ERIW.

SR. INV. THOMPSON: ERIW [UNINTELLIGIBLE].

OFFICER CARROLL: Yes, yes. Yeah.

SR. INV. CARPENTER: Did he say anything after he was hit by the ERIW?

OFFICER CARROLL: I don't recall.

SR. INV. THOMPSON: Could you see his face?

OFFICER CARROLL: No.

SR. INV. THOMPSON: And that's Mr. Duarte's face.

OFFICER CARROLL: The person in the trunk.

SR. INV. THOMPSON: Yes.

OFFICER CARROLL: Yes. No.

SR. INV. CARPENTER: Who did you inform that there was an

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individual in the backseat of the vehicle?

OFFICER CARROLL: I believe Officer Cassinelli.

SR. INV. CARPENTER: Was it on the radio?

OFFICER CARROLL: No. Like I--that was like when I yelled at him.

SR. INV. CARPENTER: Okay. All--did you have your flashlight out?

OFFICER CARROLL: No.

SR. INV. THOMPSON: And how much time has passed since the ERIW was fired from when you first got to the scene?

OFFICER CARROLL: Ooh. Fifteen minutes?

SR. INV. CARPENTER: Did you retrieve your ERIW from your vehicle?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Why not?

OFFICER CARROLL: At that time I didn't think it was reasonable to do so.

SR. INV. CARPENTER: And why didn't you feel it was reasonable?

OFFICER CARROLL: I was pretty positive that I was just gonna be the arrest team on this entire call so I--wasn't really even planning on pulling out a weapon in general.

SR. INV. CARPENTER: Did you change your position? Were you always at the--on the driver's side of the lead car, on the left side?

OFFICER CARROLL: Yeah. I was pretty much out in front the entire time.

SR. INV. CARPENTER: Okay. Were you behind cover?

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OFFICER CARROLL: No.

SR. INV. CARPENTER: Were you able to see Mr. Duarte's hand? Hands? Or one hand or--

OFFICER CARROLL: I was able to see--his hand, that arm attached to the and, and like the--like his upper chest, abdomen and like, I could tell that his leg was moving, like one--one leg. But besides that, I couldn't see anything else.

SR. INV. CARPENTER: Did you know that Mr. Duarte had a gun?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Okay. After the ERIW shot was fired, what happened?

OFFICER CARROLL: Started moving pretty quick from that point. From what I could recall was--he was hit. I think there was more again in Spanish. He then did like what I presumed to be like a death--like death declaration. It was like, "Fuck you," or something like that and he--stepped up--well, attempted to step out of the car or the trunk and pulled out a gun, fired one round, and after I saw the muzzle flash, I returned fire.

SR. INV. THOMPSON: Now prior to that, when you saw--how did he attempt--or how did the person in the trunk try to get out of the car?

OFFICER CARROLL: Prior to--

SR. INV. THOMPSON: Prior to them firing?

OFFICER CARROLL: He lifted up the--the hood of the trunk or-- the trunk, the trunk, the door to the trunk. He lifted that up.

SR. INV. THOMPSON: Did you see his leg get out or--like--

OFFICER CARROLL: I mean, I remember seeing him like push

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his body forward.

SR. INV. THOMPSON: Did you see any of his hands at that point? The person in the trunk, Mr. Duarte?

OFFICER CARROLL: He already had the one hand out on the outside and then he was--he was pushing forward the--the hand with the firearm in it.

SR. INV. THOMPSON: Okay. What made you believe it was a firearm in his hand?

OFFICER CARROLL: To me, it looked like one. And then of course you hear and see a little flash. That couldn't be one of a couple of things.

SR. INV. THOMPSON: How--was he holding the handle of the gun?

OFFICER CARROLL: Presumably, yes. I mean, that would be the only way I believe to fire the firearm.

SR. INV. THOMPSON: Okay. But did you see it. Just want to--if you saw.

OFFICER CARROLL: All I--he was holding an object which looked like a firearm.

SR. INV. THOMPSON: Okay. And did you--how was it positioned as he was getting--as the person was getting out of the trunk, Mr. Duarte?

OFFICER CARROLL: It would be a--believe it was like to the side. Like kind of had a--[UNINTELLIGIBLE] I imagine because he was pushing forward and reaching so his center mass was going out.

SR. INV. THOMPSON: And when you heard prior to that Mr. Duarte say, "Fuck you," was that in English?

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OFFICER CARROLL: Yes, it was.

SR. INV. CARPENTER: Did you hear any other shots being fired after you fired your weapon?

OFFICER CARROLL: Yes. Like other--other officers firing? Yes.

SR. INV. CARPENTER: How many shots did you fire before you assessed?

OFFICER CARROLL: Thirteen.

SR. INV. CARPENTER: And when did you stop firing? Or why did you stop firing?

OFFICER CARROLL: I was doing a re-load and during my re-load I assessed during that time.

SR. INV. CARPENTER: Did you count when you were shooting or did you just keep clicking and nothing was happening? In order for you to know to re-load.

OFFICER CARROLL: I knew to re-load because you could feel the gun lock all the way back.

SR. INV. CARPENTER: And did you fire any other additional shots after you re-loaded?

OFFICER CARROLL: No, ma'am.

SR. INV. CARPENTER: So what's going on as you're attempting to re-load your firearm?

OFFICER CARROLL: Said "red", which is our like amount cover kind of thing. Got the mag re-loaded. Racks. Pushed back out. Everybody is checking in, making no one's hit. However, we were communicating and trying to figure out whether subjects is still active, where the weapon is, people are then pushing forward behind the shield to go--put handcuffs on the

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subject in the trunk. I hopped in line with them. We pulled him out and handcuffed him, flipped him over, and then we started putting chest seals and doing compressions.

SR. INV. CARPENTER: And what was your sequence of fire? Was it fast?

OFFICER CARROLL: Yes.

SR. INV. CARPENTER: While you were firing were you moving?

OFFICER CARROLL: No.

SR. INV. CARPENTER: You stayed in your position while you fired?

OFFICER CARROLL: Yes.

SR. INV. THOMPSON: What were you aiming at as you were firing?

OFFICER CARROLL: Center mass I can see.

SR. INV. THOMPSON: And could you see that center mass?

OFFICER CARROLL: Hm-hmm.

SR. INV. THOMPSON: Is that a yes?

OFFICER CARROLL: Yes.

SR. INV. THOMPSON: You know approximately how many shots you heard as you're firing?

OFFICER CARROLL: No. I couldn't put a number on it.

SR. INV. CARPENTER: Was your view ever impeded when you opened fire?

OFFICER CARROLL: No, it was not.

SR. INV. CARPENTER: Did someone order you to stop firing your weapon?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Okay.

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SR. INV. THOMPSON: Do you know how Mr. Duarte was taken out of the trunk?

OFFICER CARROLL: Yeah. He was grabbed by--I believe by me and Officer Smets and maybe another person from under his--think by his armpits, kind of--like under his arm and--pulled out onto his stomach. Placed in handcuffs. Flipped over.

SR. INV. CARPENTER: Did you guys have shields when you approached the trunk?

OFFICER CARROLL: There was the one shield.

SR. INV. THOMPSON: Were you behind that shield?

OFFICER CARROLL: Yes.

SR. INV. THOMPSON: Do you know how--how long you heard gunshots?

OFFICER CARROLL: Some two seconds.

SR. INV. CARPENTER: Was anyone next to you when you fired? Another officer?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Were you the first officer to fire at Mr. Duarte?

OFFICER CARROLL: I'm not aware of that.

SR. INV. CARPENTER: Okay.

SR. INV. THOMPSON: Did you see the gun when--you obtained Mr. Duarte from the trunk?

OFFICER CARROLL: No. I wasn't even at that point looking for it.

SR. INV. THOMPSON: What's going through your mind at this time?

OFFICER CARROLL: Medical care.

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SR. INV. THOMPSON: How are you feeling?

OFFICER CARROLL: Smooth and calm, just trying to--really just get to to him and see if--see how badly he's injured.

[redacted]

SR. INV. CARPENTER: And you said when you guys took Mr. Duarte out of the trunk, you put chest seals--

OFFICER CARROLL: Hm-hmm.

SR. INV. CARPENTER: What are those?

OFFICER CARROLL: It's a--it's like a gooey--kind of looks like a pancake and then it's a super-sticky adhesive and you would put it on top of the wound in order to--like on his chest. I mean, you wouldn't put it on his leg. And it's a--I mean, at that part you'd like dart him too but like there--it's--it's--to allow--it's like so air doesn't escape from the chest so you don't have like that sucking wound issue, would potentially give him more time.

SR. INV. THOMPSON: Do you carry this on your person while you're on-duty?

OFFICER CARROLL: Yes.

SR. INV. THOMPSON: Do you know how many chest seals you applied to Mr. Duarte?

OFFICER CARROLL: I think I did one and somebody else did one or two. Yeah, like two or three, I would say.

SR. INV. THOMPSON: Was Mr. Duarte bleeding?

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OFFICER CARROLL: Yes, he was.

SR. INV. THOMPSON: Do you know from how many areas he was bleeding on his body? Or how many bullet wounds you saw?

OFFICER CARROLL: A lot.

SR. INV. CARPENTER: Okay. And then what did you do after you prepared the--or you put the shields on his body? What did you do?

OFFICER CARROLL: We started doing chest compressions.

SR. INV. CARPENTER: Okay. And then what happened?

OFFICER CARROLL: Did that till I was told--I believe it was the medics had arrived on the scene and they told me to stop.

SR. INV. THOMPSON: Was it just you doing the chest compressions?

OFFICER CARROLL: I traded off, I think, with--with Smets. Again, I believe that's who it was but--but I wouldn't put money on it.

SR. INV. THOMPSON: And how long before medics arrived did they take over?

OFFICER CARROLL: They were pretty quick. I think, yeah. They were staged so it was--it--minute, two minutes.

SR. INV. THOMPSON: Did you see them while you were out there on the scene? Did you see the medics while you were in the scene and engaging--or prior to the ERIW being fired?

OFFICER CARROLL: No.

SR. INV. THOMPSON: Yeah.

SR. INV. CARPENTER: Okay. After the medics told you to stop the chest compressions, what were you--what were you--what

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did you do?

OFFICER CARROLL: We all--we all--grouped up and were told not to--say anything or talk about the--incident. We were placed into different separate vehicles. All transported back to Mission Station. All placed into different rooms for like--I don't know, like 30 minutes, an hour, just kind of waited there.

SR. INV. THOMPSON: Who took you back to Mission Station?

OFFICER CARROLL: I have no clue.

SR. INV. THOMPSON: Who was in the car with you?

OFFICER CARROLL: Another officer who was not involved in the incident. That's all I know.

SR. INV. THOMPSON: So just you and another officer.

OFFICER CARROLL: I believe so.

SR. INV. THOMPSON: Did you ride in the front or the back?

OFFICER CARROLL: I think I rode in the back. I mean, my BWC was like still active like through being in the station so--I'm sure you can--double-check.

SR. INV. THOMPSON: And when you went back to the station--or when did you put your gun back in the holster?

OFFICER CARROLL: Pretty much--I would say within like ten seconds after the firing stopped.

SR. INV. THOMPSON: And you still had your firearm when you went to the station?

OFFICER CARROLL: Yes.

SR. INV. THOMPSON: How long did that ride take, from the scene to the station?

OFFICER CARROLL: Believe 45 seconds to a minute.

SR. INV. CARPENTER: When did you realize that there were

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supervisors at the scene?

OFFICER CARROLL: When we all huddled up to be told that like don't say anything, keep your statement to yourself, you are going to go back to make your Public Safety Statement and de-brief and yada-yada.

SR. INV. THOMPSON: And how are you feeling at this point?

OFFICER CARROLL: Surprised.

SR. INV. THOMPSON: Why?

OFFICER CARROLL: 'Cause you didn't think it was gonna happen.

SR. INV. THOMPSON: And why did you think it wasn't going to happen? Or this scene to--wasn't going to play out how it did?

OFFICER CARROLL: Again, because we do it all the time. So you--you would think people would maybe think one or two steps ahead or--be aware that there are other options, maybe, besides what they're thinking.

SR. INV. CARPENTER: Prior to the ERIW, did you get instructions from any of the Sergeants about what to do?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Did you provide a Public Safety Statement?

OFFICER CARROLL: I did.

SR. INV. CARPENTER: Was it the blue card?

SR. INV. THOMPSON: Yeah. Did they read you the blue card?

OFFICER CARROLL: I believe so.

SR. INV. THOMPSON: Do you know where were you were read that at? As far as how you were feeling and--

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OFFICER CARROLL: I--I believe it was at Mission Station.

SR. INV. THOMPSON: Now where were you taken in Mission Station exactly?

OFFICER CARROLL: Where the PSAs are, in that like front--behind the window.

SR. INV. THOMPSON: Hm-hmm. Yes. [LAUGH]

SR. INV. CARPENTER: Were you near other officers that were involved?

OFFICER CARROLL: No.

SR. INV. CARPENTER: You were separated?

OFFICER CARROLL: Correct.

SR. INV. CARPENTER: Were you given a replacement weapon? Firearm?

OFFICER CARROLL: Yes. That night. Before I left.

SR. INV. CARPENTER: Were you monitored at the station?

OFFICER CARROLL: Yeah. Someone sat with me.

SR. INV. THOMPSON: Do you know who sat with you?

OFFICER CARROLL: No. Some guy from Bayview. Bald. Cool guy.

SR. INV. CARPENTER: Were you injured as a result of this incident?

OFFICER CARROLL: No, I was not.

SR. INV. CARPENTER: Did you experience any perceptual distortions?

OFFICER CARROLL: No.

SR. INV. CARPENTER: What time did you go home? Your shift was supposed to end at 2 a.m.?

OFFICER CARROLL: Yeah. I think like 12:30? One o'clock

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I was home? I think?

SR. INV. CARPENTER: And did you live in City and County of San Francisco?

OFFICER CARROLL: No, I did not.

SR. INV. CARPENTER: Okay.

SR. INV. THOMPSON: Now how long was--you spoke with somebody at the station about the incident.

OFFICER CARROLL: A lawyer, yeah.

SR. INV. THOMPSON: A lawyer. Okay. How long was that?

OFFICER CARROLL: Five minutes.

SR. INV. CARPENTER: Did you review your body-worn camera footage at the station?

OFFICER CARROLL: No.

SR. INV. CARPENTER: Did you access--or were you shown your body-worn camera footage?

OFFICER CARROLL: I don't believe I saw it till Homicide.

SR. INV. CARPENTER: Okay.

SR. INV. THOMPSON: When was that?

OFFICER CARROLL: Like a week after.

SR. INV. THOMPSON: Okay.

SR. INV. CARPENTER: At what point did you provide your brief--did you--I'm sorry. At what point did you prepare a brief written statement about the incident? Or did you?

OFFICER CARROLL: I don't believe I did.

SR. INV. CARPENTER: Okay. Did you provide a verbal statement to the officer preparing the Incident Report?

OFFICER CARROLL: I don't believe so.

SR. INV. CARPENTER: Did you provide a written statement for

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the report?

OFFICER CARROLL: No.

SR. INV. THOMPSON: Have you talked to anybody else besides your interviews about this case?

OFFICER CARROLL: No.

SR. INV. THOMPSON: Did you discuss it with your partners afterward?

OFFICER CARROLL: No. We were advised heavily not to.

SR. INV. THOMPSON: And how did you feel when you went home?

OFFICER CARROLL: Eh.

SR. INV. CARPENTER: Mr. Nobles?

POA ATTY. NOBLES: I have nothing.

SR. INV. CARPENTER: Is there anything or is there any other statement relevant to this incident you wish to make at this time?

OFFICER CARROLL: Nope.

SR. INV. CARPENTER: And are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

OFFICER CARROLL: No.

SR. INV. CARPENTER: You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in the case and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview, if possible. Is there anything else you would like the Chief to consider in that regard?

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OFFICER CARROLL: No.

SR. INV. CARPENTER: The interview is concluded. The time now is 12:46 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER JUAN GUSTILO, #1469

DATE OF INTERVIEW: 04/08/2019

SR. INV. CANDACE CARPENTER: This interview regarding DPA Case Number 0097-18 is taking place at the Department of Police Accountability on April 8th, 2019 at 11:02 a.m. Conducting this interview is myself, Senior Investigator Candace Carpenter, and DPA Attorney Tinnetta Thompson. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation. The member being interviewed is Juan [Castillo].

OFFICER JUAN GUSTILO: Gustilo.

SR. INV. CARPENTER: Gustilo. Star number 1469, who is a named officer in this matter. Representing Officer Gustilo is--

POA ATTY. DON NOBLES: Don Nobles, POA Attorney.

SR. INV. CARPENTER: And Officer Gustilo, have you read the DPA Form 293 and Allegation Form regarding the allegation of misconduct?

OFFICER GUSTILO: Yes. Excuse me. Yes, sorry.

SR. INV. CARPENTER: Officer Gustilo, because there may be criminal culpability on your part, I want to be certain you understand the following rights. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do

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you understand each of these rights that I have explained to you?

POA ATTY. NOBLES: Yes.

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: And with these rights in mind, would you like to answer my questions now?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: While you have the right to remain silent criminally, it is condition of your employment that you answer my questions in this administrative investigation. I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in Administrative discipline, including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only. It cannot be used against you criminally unless you choose to testify in such a criminal case. Do you understand this order?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Officer Gustilo, have you--will you answer my questions as ordered at this time?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Okay. Okay, this interview is regarding an incident regarding a [UNINTELLIGIBLE] with a gun

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that occurred on March 6th, 2017 starting at approximately 10:36 p.m. at 20th and Capp Street. The subjects involved in the incident, Mr. Jose Delgado-Duarte, will be referred to as "Mr. Duarte" or "Duarte". And Mr. [redacted] will be referred to as "Mr. [redacted]". [redacted] will be referred to as "Ms. [redacted]". So what I'm going to ask is that you just tell me what happened without any interruptions. And then we'll start from the beginning with your background, then break down the incident. And then we'll do a diagram of the incident. Is that okay? All right. So just tell me what happened on March 6th, 2017.

OFFICER GUSTILO: Okay. So the night of March 6th, and to the best of my--

SR. INV. CARPENTER: Right.

OFFICER GUSTILO: Recollection two years later, March 6th, 2018 at approximately 10:50 in the evening my partner and I responded to the area of 20th--excuse me--20th and Capp Street regarding an officer put out that he had people there that was related to a gun robbery call with someone that's drunk. En route and on scene, I saw Officer Cassinelli in the middle of Capp Street. He was standing just outside of his patrol vehicle. And in front of them was--and I believe it was Officer Tupper who was his partner that night. I don't remember where he was prior. In front of them was a black Honda Civic and it was Mr.[redacted] was standing outside of the--the driver's seat, I believe. And then there was someone in the trunk holding the trunk down. My partner and I pulled up to the left of Officer Cassinelli's car. We exited our vehicles. And then took a

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position of cover. I can't--I can't remember exactly where we were. We moved different--you know, different spots throughout the interaction. Within minutes other officers arrived on scene. We--Mr. [redacted] was hauled back. He was erratic at first, you know, when he was standing next to the car, he was very erratic, asking us what we were doing there. Called him back to us. He eventually came back to us and then Officer Smets and Officer Carroll took him into custody. And they put him in the back of one of the supply cars. And we were addressing the person that was in the back, in the trunk, who was later--I found out to be Mr. Delgado, I believe. Numerous calls were given out to him to come out of the car with his hands up to show us his hands. He refused. Instructions were given to him both in English and Spanish. At one point Officer Santana used a less lethal bean bag. Again, gave him another warning and command to come out of the car. Mr. Delgado refused. Believe Officer Santana fired one round at the back of the Honda Civic, striking the vehicle. Shortly thereafter the trunk popped open and then Mr. Delgado raised what I believed to be a firearm, reaching--his head was towards me. I was standing on--can I--I don't know if I can see--

SR. INV. CARPENTER: Oh, yes.

OFFICER GUSTILO: Where I was. Approximately where I was at on there.

SR. INV. CARPENTER: Okay. And this is where for--you want to use Exhibit 1 or Exhibit 2? So Exhibit 1 is the--a scale of the incident--

OFFICER GUSTILO: Okay.

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SR. INV. CARPENTER: And then Exhibit 2 is a picture of the actual--

OFFICER GUSTILO: Yeah. We were--

SR. INV. CARPENTER: [UNINTELLIGIBLE] incident.

OFFICER GUSTILO: I was in this general location here.

SR. INV. CARPENTER: Okay. Pointing to Exhibit 1.

OFFICER GUSTILO: Right in this location. You may--sorry.

SR. INV. CARPENTER: Yes, please.

OFFICER GUSTILO: Oh.

SR. INV. CARPENTER: Can you--

OFFICER GUSTILO: Mark it?

SR. INV. CARPENTER: Yes, please.

DPA ATTY. TINNETTI THOMPSON: With your--first can you write your name, star number, and the date.

OFFICER GUSTILO: Anywhere on here?

DPA ATTY. THOMPSON: Anywhere on there. Probably in the corner, though. And put our initials where you were initially standing on the diagram.

OFFICER GUSTILO: Again, this--I'm not--I--you know, this is just a rough, where I believe I was. Somewhere over here. Mr. Delgado raised his--his head was--is it okay if I draw it?

SR. INV. CARPENTER: Yes. Please use this. Yes.

OFFICER GUSTILO: So on this side of the vehicle. So--and to his left and came up and pointed a firearm in the general direction of other officers, at which I and other officers opened fire at Mr. Delgado, believing that our lives were threatened due to him pointing a firearm at us.

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SR. INV. CARPENTER: And just for the record it's at the stick figure you drew in the car. What--representation the car with an S in as the suspect vehicle. That would be Mr. Duarte.

OFFICER GUSTILO: I'm--yes, yes.

DPA ATTY. THOMPSON: He is actually named Mr. Duarte--

OFFICER GUSTILO: I'm sorry, yeah.

DPA ATTY. THOMPSON: Okay.

OFFICER GUSTILO: Soon after the officer-involved shooting, officers approached--we waited for other officers to grab the ballistic shield and we approached the vehicle. I'm not sure I--I moved up to the front here. I'm not sure who--it was quite a few officers here. I'm not sure who tended to--Mr. Duarte in the back.

SR. INV. CARPENTER: Can you draw an arrow from your initials to where you moved after the shots were fired?

OFFICER GUSTILO: It was--I was somewhere--

SR. INV. CARPENTER: So from where the JG that you know--

OFFICER GUSTILO: Here?

SR. INV. CARPENTER: Yeah. The arrow about there--

OFFICER GUSTILO: About this vicinity. And then just soon thereafter, Miss--think [redacted] is her name.

SR. INV. CARPENTER: [redacted].

DPA ATTY. THOMPSON: Yes.

OFFICER GUSTILO: Was in the back seat of the vehicle. And she was taken into custody after the officer-involved shooting. And then after that I--moved--up towards 21st Street, just to look for any--any other related people or anything else that may have happened up the street. I would say.

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SR. INV. CARPENTER: Okay. That's okay. All right. Thanks. Okay. Thank you. So now we just go start from the beginning with your background. Did you review any documents to prepare for this interview?

OFFICER GUSTILO: I reviewed my--IAD interview.

SR. INV. CARPENTER: And did you review any videos related to this incident?

OFFICER GUSTILO: I did not.

SR. INV. CARPENTER: And how many times have you been interviewed regarding this incident?

OFFICER GUSTILO: Twice.

SR. INV. CARPENTER: And that was--

OFFICER GUSTILO: It was--Homicide Sergeant Bandvik, Homicide. And then Sergeant Pilar. I can't remember his last name now. And I--and Internal Affairs. I can't remember the two Sergeants who interviewed me.

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: The last name.

SR. INV. CARPENTER: As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident? Is there anything what was not covered in those interviews that you would like to add to this--to the record at this time?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Is there anything that you'd like to clarify this time?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Other than your Rep or Attorney, have

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you spoken to anyone about this case?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: And how long have you been employed by SFPD?

OFFICER GUSTILO: Employed, about two and a half years now.

DPA ATTY. THOMPSON: Any prior law enforcement experience? Did you do the Academy here?

OFFICER GUSTILO: I did.

DPA ATTY. THOMPSON: At the San Francisco Police Department Academy.

OFFICER GUSTILO: Yes, ma'am.

DPA ATTY. THOMPSON: All right.

SR. INV. CARPENTER: And where were you stationed at the time of the incident?

OFFICER GUSTILO: Mission Station.

SR. INV. CARPENTER: And how long were you assigned at Mission?

OFFICER GUSTILO: Prior to the incident? Or--

SR. INV. CARPENTER: Yes. Prior to the incident.

OFFICER GUSTILO: I've been there--approximately nine months.

SR. INV. CARPENTER: And do you recall what sector you were assigned that day?

OFFICER GUSTILO: I want to say we were the 15 David but I can't--I can't be for sure. But we were the--we were on Swing so. It would have been the--David 15 David.

SR. INV. CARPENTER: And where are you currently stationed?

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OFFICER GUSTILO: I'm actually with the Community Engagement Division now.

SR. INV. CARPENTER: And did you request a transfer?

OFFICER GUSTILO: I did. In January.

SR. INV. CARPENTER: Okay. And why?

OFFICER GUSTILO: Family. We have a newborn, a toddler, and just family reasons. Better for us now.

SR. INV. CARPENTER: And at that time had you had any prior involvement with [redacted]?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: [redacted] Di you have any previous involvement with [redacted]?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Had you had any previous involvement with Jesus Duarte?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Okay. Prior to your shift on March 6th, how many hours of sleep had you had before your shift?

OFFICER GUSTILO: I don't remember. I know I slept the night before but I don't know exactly. You know.

SR. INV. CARPENTER: What time did you arrive at work that day?

OFFICER GUSTILO: I don't recall. I'm usually there at least--so [redacted] usually 45 minutes, an hour before my shift starts, is usually--when I was living in the East Bay.

DPA ATTY. THOMPSON: What type of shift is this?

OFFICER GUSTILO: Swings.

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DPA ATTY. THOMPSON: Swings.

OFFICER GUSTILO: So that's from 16:00, 02. It was. I think they've changed it since. But when I was there, it was 16:00 to 02.

SR. INV. CARPENTER: And did you make line-up that day?

OFFICER GUSTILO: I believe so. I don't recall but I believe I did.

SR. INV. CARPENTER: And who was your partner that day?

OFFICER GUSTILO: Loren Chiu.

SR. INV. CARPENTER: And how long have you guys been partner--or how long have you guys been partners?

OFFICER GUSTILO: We--we weren't permanent partners but we worked quite a bit together. In my time, I'm only on Swings. So I've been on Swings from September the previous year, and Loren and I would work together. We weren't set partners but, you know, on and off we worked together.

SR. INV. CARPENTER: Between you and your partner--or Officer Chiu, who was the senior officer?

OFFICER GUSTILO: Loren was.

SR. INV. CARPENTER: And do you--

DPA ATTY. THOMPSON: And spell her last name. I'm sorry.

SR. INV. CARPENTER: Oh, I'm sorry.

OFFICER GUSTILO: It's a him.

SR. INV. CARPENTER: It's a him.

DPA ATTY. THOMPSON: Okay.

OFFICER GUSTILO: Yeah.

DPA ATTY. THOMPSON: Loren.

OFFICER GUSTILO: Loren?

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SR. INV. CARPENTER: Loren?

OFFICER GUSTILO: L-O-R-E-N. And his last name is Chiu. C-H-I-U.

DPA ATTY. THOMPSON: [UNINTELLIGIBLE] Sorry.

SR. INV. CARPENTER: Okay. And do you wear glasses?

OFFICER GUSTILO: I do. I wear contacts.

SR. INV. CARPENTER: And are you nearsighted?

OFFICER GUSTILO: I am.

SR. INV. CARPENTER: And your contact lenses prescription?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: And were you wearing them that night?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: Were you wearing contacts or glasses?

OFFICER GUSTILO: I was wearing my contacts.

DPA ATTY. THOMPSON: Contacts.

OFFICER GUSTILO: And I wear contacts to work.

SR. INV. CARPENTER: And will you please describe the uniform you were wearing on that day?

OFFICER GUSTILO: I was in my--

SR. INV. CARPENTER: Okay--

OFFICER GUSTILO: I don't remember--I--it was raining so I was believe wearing Class B uniform.

SR. INV. CARPENTER: And what equipment did you have on your person?

OFFICER GUSTILO: I had all my standard baton, gun, pepper spray, vest, radio, camera, handcuffs. That's it, I believe.

SR. INV. CARPENTER: Did you have your Department-issued

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cell phone with you that day? Or that night?

OFFICER GUSTILO: I believe so. I don't recall.

DPA ATTY. THOMPSON: Now can you describe the Class B uniform?

OFFICER GUSTILO: Just wool uniform. Blue.

DPA ATTY. THOMPSON: Was your star number visible?

OFFICER GUSTILO: Yes. It should have been.

DPA ATTY. THOMPSON: Okay.

OFFICER GUSTILO: I don't see why it wouldn't have been.

DPA ATTY. THOMPSON: How about your name? Was your name visible? On your uniform?

OFFICER GUSTILO: It should have been.

SR. INV. CARPENTER: And what is your primary weapon?

OFFICER GUSTILO: Sig 226.

SR. INV. CARPENTER: And do you carry a back-up weapon?

OFFICER GUSTILO: Not on-duty, no.

SR. INV. CARPENTER: And was your Sig 226 fully loaded that night?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: And that would be a Sig Sauer.

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: Okay.

OFFICER GUSTILO: So Sig Sauer.

SR. INV. CARPENTER: And how many bullets did you have when you started your shift?

OFFICER GUSTILO: I had the--one in the chamber and then full mag and then I had two full mags in my belt as well.

SR. INV. CARPENTER: Did you have any less lethal options on

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your person?

OFFICER GUSTILO: Not on me. Oh, well, I mean--other than baton and pepper spray. When you say "less lethal", are you referring to the ERIW, are you talking about other less lethal options I have on my belt?

SR. INV. CARPENTER: Like the ERIW or the--

OFFICER GUSTILO: That--it was in the car.

SR. INV. CARPENTER: Okay. And when you responded to the scene, you were in the vehicle?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: And what type of vehicle were you driving?

OFFICER GUSTILO: It was a Crown Vic, Crown Victoria.

DPA ATTY. THOMPSON: Oh, a Crown Victoria.

SR. INV. CARPENTER: And were you the driver?

OFFICER GUSTILO: Yeah. Yes. Sorry. I'm tired. Just--

SR. INV. CARPENTER: [UNINTELLIGIBLE]

OFFICER GUSTILO: Yeah.

SR. INV. CARPENTER: Oh.

OFFICER GUSTILO: It's fine. It's okay.

SR. INV. CARPENTER: And what equipment did you have in your vehicle? Other than the ERIW.

OFFICER GUSTILO: I had the ERIW and then had the--I believe it's a Colt AR-15.

DPA ATTY. THOMPSON: Now, was this a marked patrol car?

OFFICER GUSTILO: Yes. Black-and-white.

SR. INV. CARPENTER: And who was your supervisor that night?

OFFICER GUSTILO: I don't recall who my immediately--

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well, who was.

SR. INV. CARPENTER: Who did you provide a statement to regarding the incident?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Okay. Did you give it to a superior officer?

OFFICER GUSTILO: I believe so. I know it was a superior officer. I just don't know which one exactly it was that night.

SR. INV. CARPENTER: And what type of training have you received regarding felony traffic stops?

OFFICER GUSTILO: I mean, there is numerous hours in the Academy. I performed a few in the field as well. Mission. But primarily it was in the Academy.

SR. INV. CARPENTER: And what type of training had you received regarding barricaded suspects?

OFFICER GUSTILO: That, I mean, again, it was covered in the Academy, I believe. And then also used in practice in the field.

SR. INV. CARPENTER: So you have contact with barricaded suspects in your experience in the field?

OFFICER GUSTILO: I'm sure. I'm sure I have. You know, I've had--I've had a few in the last few months but prior there may have been--I can't specifically speak to one or--but I know we've had them. I've had in my months in the Mission as well.

SR. INV. CARPENTER: And can you--from one that you can recall of the barricaded subject, can you kind of explain kind of what type of incident that was? Was it similar to the incident where it was an individual in the trunk? Or was it a

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barricaded suspect in a home or--

OFFICER GUSTILO: Which?

SR. INV. CARPENTER: You said you've had some experiences that they were barricaded suspects?

OFFICER GUSTILO: Hm-hmm.

SR. INV. CARPENTER: Can you just give an example--

OFFICER GUSTILO: It was--well, one of them particular--there was a guy in the home and it was--I can't remember the exact details but it was something to the effect of--someone saw him with a gun in his waistband. And it wasn't brandished or anything like that but he wasn't supposed to have weapons on him and--so we went to the scene and tried to talk to him, make contact with him. He didn't want to come out. We later found out that it was a--he was carrying around. He had multiple air soft guns that are very similar to--they looked like real guns. But, anyway, we were talk to him and Sergeant was happy, was--we didn't--there was no crime committed and our Sergeant was okay with how it ended. We talked to him and see. We did a quick 5150 evaluation on him. H e didn't meet the criteria. And, you know, we've--we were able to just find that they were just toy guns and nothing. Not real goods which shouldn't had in his--he shouldn't have had in his possession and--yeah, that was it.

SR. INV. CARPENTER: Okay. So he complied with your orders to come out?

OFFICER GUSTILO: Not initially. Not initially. He didn't come out. And over time, one of the officers on-scene developed a rapport with him and was able to get him to come out

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and at least talk to us from a--behind the gate.

SR. INV. CARPENTER: Okay. And what type of training had you received regarding suspects in trunks?

OFFICER GUSTILO: I don't recall if there's any specifically about someone in a trunk.

SR. INV. CARPENTER: And what type of training had you received regarding arms suspects?

OFFICER GUSTILO: As far as--

SR. INV. CARPENTER: How to handle armed suspects. Tactics. Your training regarding--contacting individuals with arm--were armed.

OFFICER GUSTILO: I guess I'm not--I mean, if they're armed, we treat them as an armed suspect and I'm not sure where you're--what your question is.

SR. INV. CARPENTER: So in the Academy, do you guys conduct scenarios in the Academy?

OFFICER GUSTILO: Hm-hmm.

SR. INV. CARPENTER: And some of those scenarios, do they involve individuals who are armed?

OFFICER GUSTILO: Hm-hmm.

SR. INV. CARPENTER: Is that a yes?

OFFICER GUSTILO: Yes. Sorry. Yes.

SR. INV. CARPENTER: Okay. And in those scenarios are you trained on how to approach or how to deal with armed suspects?

OFFICER GUSTILO: Yes. So I mean if they're an armed suspect, it's a--you know, very dangerous situation. We treat it a felony stop. We try to get them down on the ground, see your hands, hands are always something that we try to keep an

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eye on, especially if the call's for someone with a gun. And there's kind of a rule of thumb is the more dangerous, then the lower they go. So, you know, try to get them on the ground, proned out, where we can see their hands and see their waistband, see everything they have. You know, that's a potential threat to us. [HIGH PITCHED SUSTAINED TONE]

SR. INV. CARPENTER: And what type of training had you received regarding law enforcement tactics?

OFFICER GUSTILO: Just what I received in the Academy.

DPA ATTY. THOMPSON: Do you recall what that was? Like courses, specific material that you reviewed?

OFFICER GUSTILO: I mean, we did, you know, felony stops. There's all kinds of tactics, depending on the situation. Every situation's different. It's kind of fluid so--I don't recall anything specific.

DPA ATTY. THOMPSON: Did you do like simulations or anything like that?

OFFICER GUSTILO: Yep. You know, we definitely did--sims and--we covered all different gambits of situations and, you know, from active shooter to medical calls. And there are all kinds of different--we went through a bunch of different simulations.

DPA ATTY. THOMPSON: Do you recall how many hours you spent on tactical training in the Academy? If you can recall?

OFFICER GUSTILO: I don't, top of my head.

DPA ATTY. THOMPSON: Do you know if you were able to be certified or anything in that nature during the course of your trainings?

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OFFICER GUSTILO: I don't believe so. I don't recall.

SR. INV. CARPENTER: Okay. Do you speak any other languages?

OFFICER GUSTILO: I do not. No.

SR. INV. CARPENTER: Have you received CIT training?

OFFICER GUSTILO: Not yet. No.

DPA ATTY. THOMPSON: And you, so--

OFFICER GUSTILO: I still have not. No.

DPA ATTY. THOMPSON: Have you received Events Officer Training?

OFFICER GUSTILO: Not at the time.

DPA ATTY. THOMPSON: And have you since?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: And had you received de-escalation training?

OFFICER GUSTILO: I mean, just the--you know, what we do in the Academy as far as, you know, talking to people first and--the attempt at de-escalation. I don't remember the specific--class or scenario but we definitely--it is definitely a topic of coverage in the Academy when about it regularly.

DPA ATTY. THOMPSON: Were you in the Academy prior to the DGO 5.01? Before the new DGO, where Use of Force was issued?

OFFICER GUSTILO: I can't recall it because I know we've gone over it but I don't--I was in the Academy--I went to the Academy in [redacted]. I'm sorry. [redacted].

DPA ATTY. THOMPSON: When did you graduate?

OFFICER GUSTILO: [redacted].

DPA ATTY. THOMPSON: And during the course of your Academy

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training and even while you were at first given your assignment, did you receive training on discharging your firearm and how--how and when, if anything?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: And can you describe that training, if you recall?

OFFICER GUSTILO: I mean, we've--you know, we went over the Use of Force policy and I can't--again, I can't remember the exact time or--but, you know, we went over the--I'm sorry. Can you explain that question one more time?

DPA ATTY. THOMPSON: Hm-hmm. So when you were at the Academy or when you were first starting out, did you go over the DGO's about Use of Force or DGO, I think, 5.02 at the time was Discharge of a Firearm. Or use of a Firearm.

SR. INV. CARPENTER: Firearm DGO.

DPA ATTY. THOMPSON: Yes. Did you go over that and what type of training did you receive, approximately how many hours, et cetera?

OFFICER GUSTILO: I don't know the hours. But we definitely went over the--the Use of Force policy. I don't know--I mean, I know we did it a few times in the Academy and of course during weapons training, was another time that we definitely went over it.

DPA ATTY. THOMPSON: And did this involve simulations as well?

OFFICER GUSTILO: No. Not--not during the--not during weapons training. I know during OSFT, which is towards the end of--

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DPA ATTY. THOMPSON: What's that--

OFFICER GUSTILO: Officers Survival Field Tactics, I want to say, is what it stands for. We definitely--used our firearms and using [simunation]--[simunition] rounds and then again the Sims, yeah, throughout the Academy as well.

DPA ATTY. THOMPSON: Do you recall approximately how many hours you spent doing that?

OFFICER GUSTILO: I don't know exactly.

SR. INV. CARPENTER: How are you trained regarding rapid fire or rapid fire. Do you guys--are you trained in rapid fire and when do you assess? What is that--do you know what I'm talking about?

OFFICER GUSTILO: I mean, I guess--are you asking if we just--I mean, I--I don't--I don't think we're trained in rapid fire. I know myself personally, when I shoot, you know, I--I shoot a couple rounds and I assess. It's definitely--you know, and--and throughout the course of fire, you know, when we attend weapons training, everything was--you know, maybe four rounds max? And then assess threat. That was--that was--you know, always look to--taught to look over the--the sights on our gun and kind of lower it at the low-ready and scan after, you know, and it was never--it was never a--you know--empty your fully-loaded weapon and then assess. It was always--you know, max--I think, it was max four shots and then assess.

SR. INV. CARPENTER: Do you have any more regarding training?

DPA ATTY. THOMPSON: No.

SR. INV. CARPENTER: Okay. Had you received any training on

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crisis negotiation?

OFFICER GUSTILO: There might have been some in the Academy. I don't recall.

SR. INV. CARPENTER: What were you doing prior to your response to the area of 20th and Capp that night?

OFFICER GUSTILO: We were looking--we were talking about what to get for dinner.

DPA ATTY. THOMPSON: Had you responded to any calls at that time?

OFFICER GUSTILO: We did. It was--I don't remember the exact nature of the call but it was at 15th and Julian. I remember that. We were in that area.

DPA ATTY. THOMPSON: Were you the second vehicle at the scene?

OFFICER GUSTILO: From what I recall, I believe we were the second on scene.

DPA ATTY. THOMPSON: Or second unit.

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: Second unit, obviously. And you were on patrol that night?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: Okay. What was your assignment? Or--sector?

OFFICER GUSTILO: 15 David.

DPA ATTY. THOMPSON: Okay.

OFFICER GUSTILO: David--

DPA ATTY. THOMPSON: You did say that.

OFFICER GUSTILO: David 15 David. I believe. To the

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best of my knowledge, we were the 15 David.

SR. INV. CARPENTER: Do you need to have the CAD? Do you need to review the CAD? Are you good?

OFFICER GUSTILO: I think I'm okay.

SR. INV. CARPENTER: And just to clarify, you did state that prior to responding to the call, you received a call for back-up regarding an individual with the weapon?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Okay. Did you know anything else regarding the call?

OFFICER GUSTILO: It just--from what I can recall, the--it was Officer--it sounded like Officer Cassinelli over the air, who put out a Code 33 which means, you know, like I need the air. It's an emergency. And it was something to the effect of--211, 221 car. Something to that effect that--I don't know the exact verbiage but--and then he put out the approximate location of where they were at.

SR. INV. CARPENTER: Okay. And what's a 211?

OFFICER GUSTILO: It's a robbery.

SR. INV. CARPENTER: And what's a 221?

OFFICER GUSTILO: Gun.

SR. INV. CARPENTER: Did you and Officer [Cho] discuss any tactics or plans with the other officers prior to making contact with Mr. Duarte?

OFFICER GUSTILO: I don't believe so. I don't recall. It's Officer Chiu, sorry.

SR. INV. CARPENTER: I'm sorry. Officer Chiu.

OFFICER GUSTILO: That's okay.

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SR. INV. CARPENTER: Prior to exiting your vehicle, did you run any information on the suspect vehicle or the parties involved?

OFFICER GUSTILO: I did not because I--because I was driving and I'm not certain that Officer Chiu--whether he did or didn't. I know if that information was--was available yet, prior to us arriving on the scene.

SR. INV. CARPENTER: And when you arrived at scene, did you run any--the vehicle or any parties?

OFFICER GUSTILO: No immediately, no. Just because of what we were dealing with at the time.

DPA ATTY. THOMPSON: And where did you park your car when you arrived on the scene?

OFFICER GUSTILO: To the left. So the--

DPA ATTY. THOMPSON: Can I--is--Exhibit 1? If you could just mark.

OFFICER GUSTILO: Just circle it?

SR. INV. CARPENTER: Yes.

DPA ATTY. THOMPSON: Just circle it.

SR. INV. CARPENTER: And can you just describe in detail your involvement in the felony stop?

OFFICER GUSTILO: I exited my vehicle. Officer Cassinelli--well--I exited my vehicle and just as he provided cover for the other officers and--Officer Cassinelli was directing. I know I might have given--you know, when you get to these scenes, sometimes it's kind of chaos and everyone yelling and I know I might have yelled a couple times to show us--have him show us his hands. But, I mean, from what I stated in the

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beginning, that was kind of my observation, the extent of my actions.

SR. INV. CARPENTER: When you state "cover", can you describe what that means? You were providing cover to Officer Cassinelli?

OFFICER GUSTILO: Yeah, just standing by with my gun at the low-ready. Just in case something were to happen. He was--my--again, this is my perception is he's trying to build rapport and he was the first on scene. He's trying to direct, kind of, what is going on up there. That's--again, I can't speak for him but that's what I believe, so I was--just trying to provide cover for him. Especially with the call coming out as a gun call.

SR. INV. CARPENTER: And were your vehicle doors open?

OFFICER GUSTILO: Initially, they were. I don't--I want to say we closed them once we exited our vehicle.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: Did you activate your body-worn camera?

OFFICER GUSTILO: I did.

DPA ATTY. THOMPSON: When did you activate it?

OFFICER GUSTILO: Soon as I got out of the car.

SR. INV. CARPENTER: And were you on the--were you on the driver's side?

OFFICER GUSTILO: I was driving. Yes.

SR. INV. CARPENTER: And could you see Mr. Duarte from your vantage point when you first arrived?

OFFICER GUSTILO: I could see someone was in the trunk and it was--it was kind of cracked and it was kind of moving so-

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SR. INV. CARPENTER: Could you hear anything that Mr. Duarte was saying?

OFFICER GUSTILO: I don't recall. I don't believe so.

DPA ATTY. THOMPSON: Did you leave the car lights on your car?

OFFICER GUSTILO: I don't remember.

DPA ATTY. THOMPSON: Do you recall if looking back at your car, that if the car lights were on?

OFFICER GUSTILO: I don't recall.

DPA ATTY. THOMPSON: What were the weather conditions like that evening?

OFFICER GUSTILO: I don't recall. Believe it was clear for the most part. It was at night. It was dark. That's all I remember.

SR. INV. CARPENTER: And you might have said this before but who was there when you arrived?

OFFICER GUSTILO: Officer Cassinelli was in--he was the primary unit. He was in his driver's side door. Behind the driver's side door, giving commands.

SR. INV. CARPENTER: And do you recall who his partner was?

OFFICER GUSTILO: I believe it was Officer Tupper.

SR. INV. CARPENTER: Tupper? And did you see Officer Tupper at the scene you were at?

OFFICER GUSTILO: I don't--because we pulled--you know, we were on the left of him. I don't remember seeing where he was at. I just remember seeing Cass standing out--sorry. Cassinelli standing outside of his--his vehicle.

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SR. INV. CARPENTER: Who was the highest-ranking officer on the scene at the time when you arrived?

OFFICER GUSTILO: When I arrived?

SR. INV. CARPENTER: Yes.

OFFICER GUSTILO: Between the four of us who were there?

SR. INV. CARPENTER: Yes.

OFFICER GUSTILO: Initially. It was my partner. Officer Chiu.

SR. INV. CARPENTER: Were you concerned about cover?

OFFICER GUSTILO: At different points.

SR. INV. CARPENTER: And why is that?

OFFICER GUSTILO: Because of the nature of the call.

SR. INV. CARPENTER: Was there a lack of cover?

OFFICER GUSTILO: Yeah. I mean--to a certain extent there was, I guess. It was just very tight between the cars and it was a lot of cars on scene.

SR. INV. CARPENTER: By the time that you exited your vehicle, had other units arrived?

OFFICER GUSTILO: I don't recall. I don't--it seemed fairly quick that they were behind us but I don't remember now whether they were on scene when we got out of the car.

DPA ATTY. THOMPSON: Were you wearing a bullet-proof vest?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: And do you wear that every shift?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: And you were providing [lethal] cover?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Do you recall what your partner was

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doing?

OFFICER GUSTILO: I don't.

SR. INV. CARPENTER: Okay. Was he next to you?

OFFICER GUSTILO: I believe at certain times. I know we both re-positioned a couple times but I wasn't following him the whole time.

DPA ATTY. THOMPSON: Were you and your partner communicating as far as taking positions, or the different positions, like let's say if you would move, would you notify your partner or anyone through PIC radio, even?

OFFICER GUSTILO: I don't recall. I know I did put my--it's not--I did put my position out on PIC.

DPA ATTY. THOMPSON: Okay.

OFFICER GUSTILO: I know we put ourselves on scene and then once you're on scene you kind of deal with it there unless it's something that you need to move far away for.

DPA ATTY. THOMPSON: About how close were you and your partner Officer Chiu during any given moment of the time you were interacting with Mr. Duarte? Let's say when you first arrived [UNINTELLIGIBLE] down?

OFFICER GUSTILO: I think we were probably shoulder-to-shoulder. I think we both walked over to Cass to see what was--what was going on. When we first arrived on scene. And then we positioned after that.

DPA ATTY. THOMPSON: And did you see any movement coming from the trunk at that point?

OFFICER GUSTILO: I don't remember. I know I--like I said, I saw the--the trunk kind of cracked open. And, again,

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he--he put out on it that there was someone hiding in the trunk. I--but I don't remember if it was moving.

DPA ATTY. THOMPSON: Do you know how long it took for you to get to the scene from when you first got the call?

OFFICER GUSTILO: I don't know the exact time. But it was fairly quick. 15th and Julian is only a few blocks away and we were actually headed in that direction on Valencia. So I want to say it was eastbound Valencia and then I hooked a left onto 16th. So we were only maybe four or five blocks max away.

DPA ATTY. THOMPSON: Did you activate when you got the call your lights and sirens? And/or both?

OFFICER GUSTILO: I don't remember. I may or may not have. I don't recall. I know we got there--we just got there fairly quickly.

DPA ATTY. THOMPSON: And what were the traffic conditions like getting there?

OFFICER GUSTILO: I don't remember.

SR. INV. CARPENTER: You stated in your uninterrupted narrative that Officer Smets got the driver of the vehicle?

OFFICER GUSTILO: He came--the driver came back to us.

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: Officer Smets and Officer Carroll, if I can remember correctly, the two that put him in handcuffs.

SR. INV. CARPENTER: Was the driver out of the vehicle when you arrived at the scene?

OFFICER GUSTILO: He was like half-in, half-out. I can't remember exactly. I know he was--he was outside the door and I want to say there was only one leg in the car and--I don't--he

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wasn't completely in the car. And he wasn't completely out of the car. And at some point, he came out of the--he was completely out of the car. He got with us.

SR. INV. CARPENTER: Did anyone give him instructions to exit the vehicle?

OFFICER GUSTILO: I believe so.

SR. INV. CARPENTER: Do you recall who that was?

OFFICER GUSTILO: I don't.

SR. INV. CARPENTER: Okay. Did you give any instructions?

OFFICER GUSTILO: I know I might have said, "Come back." I don't remember if it was with--Mr. [redacted], just 'cause, again, there are so many people on scene and--having that one voice kind of, you know, or having multiple voices, usually, muddles things up for someone who's in a stress situation like that. So I don't recall if I did give any to him just because he--at some point he complied and came back.

SR. INV. CARPENTER: How was your visibility to see the--Mr. Duarte? Were you at all--

OFFICER GUSTILO: It was clear, unobstructed. Other than the trunk.

SR. INV. CARPENTER: Were you able to see his face?

OFFICER GUSTILO: I don't recall. Don't recall if I was.

SR. INV. CARPENTER: Could you see inside the trunk?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Were you able to see the vehicle?

OFFICER GUSTILO: The Civic?

SR. INV. CARPENTER: Yes.

OFFICER GUSTILO: Yes.

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SR. INV. CARPENTER: Do you recall the color of the vehicle?

OFFICER GUSTILO: I believe it was black.

SR. INV. CARPENTER: Do you know it was a Civic?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Okay. Did Mr. Duarte ever say anything back to officers after the commands were made?

OFFICER GUSTILO: I--I wasn't--I didn't hear anything.

SR. INV. CARPENTER: What was your focus at the time?

OFFICER GUSTILO: The person on the trunk.

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: Once we'd gotten Mr. [redacted] in custody, then it was the person that was in the trunk.

SR. INV. CARPENTER: Were you near Officer Santiago?

OFFICER GUSTILO: There was no Officer Santiago.

SR. INV. CARPENTER: I'm sorry.

OFFICER GUSTILO: Santana?

SR. INV. CARPENTER: Santana. I'm sorry. Were you near Officer Santana?

OFFICER GUSTILO: He--I remember seeing him. I don't recollect exactly whether we were next to each other or what our positions were.

SR. INV. CARPENTER: How many units were on scene?

OFFICER GUSTILO: Quite a few.

SR. INV. CARPENTER: More than five?

OFFICER GUSTILO: Probably.

SR. INV. CARPENTER: Less than six? More than five?

OFFICER GUSTILO: Are we talking before the OIS or after.

SR. INV. CARPENTER: Before the shooting.

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OFFICER GUSTILO: I--maybe five more--five or more. I don't know exactly. I--my focus was everything that was in front of me. So--I don't recall the exactly--how many units were there.

SR. INV. CARPENTER: Had you been in that type of situation before? With this felony stop where there was someone in the trunk?

OFFICER GUSTILO: No. Never with someone in the trunk.

DPA ATTY. THOMPSON: Could you see the gun when you first arrived?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Could you see Mr. Duarte's hands or at least a hand?

OFFICER GUSTILO: I believe I remember seeing a hand kind of holding the trunk down. And now I think about it, I remember we were quite a few of us were giving him commands to see his other hand. Because that other hand was kind of tucked. We couldn't see--we could see the one hand holding the--the trunk. But the other hand was--we couldn't get an eye on where that other hand was.

DPA ATTY. THOMPSON: And this is when you have--already had gotten out of your car.

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: And when you saw Mr. Duarte in the trunk, how long had you been on scene at that point?

OFFICER GUSTILO: [COUGHING] I'm sorry. Say that one more time?

DPA ATTY. THOMPSON: How long had you been on scene when you

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saw Mr. Duarte holding which you believed to be the trunk down. And the other hand--

OFFICER GUSTILO: I don't--I don't recall. I mean, it was definitely after--it was after we'd gotten--Mr. [redacted] in custody already. I don't recall the exact timetable, though.

DPA ATTY. THOMPSON: Less than an hour. Less than 30 minutes.

OFFICER GUSTILO: Less than an hour.

DPA ATTY. THOMPSON: Less than an hour.

OFFICER GUSTILO: Yeah. And I-- I would even say less than 30 minutes.

DPA ATTY. THOMPSON: And the commands that you were giving, were they in English?

OFFICER GUSTILO: Myself, yes. I only speak English. If I--if I did give any commands to see hands, I know there was-- Officer Santana's a fluent Spanish speaker. And I know he gave commands in Spanish.

DPA ATTY. THOMPSON: And you could hear those commands?

OFFICER GUSTILO: Hm-hmm.

DPA ATTY. THOMPSON: That Officer Santana was giving?

OFFICER GUSTILO: Hm-hmm.

DPA ATTY. THOMPSON: Is that a yes?

OFFICER GUSTILO: Yes. I'm sorry. I'm sorry. Yes.

DPA ATTY. THOMPSON: And when you were giving the commands in English to Officer--I'm sorry, to Mr. Duarte, did you see any response from Mr. Duarte while he was in the trunk?

OFFICER GUSTILO: No.

DPA ATTY. THOMPSON: Did you hear Mr. Duarte make any

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acknowledgement of your commands?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: How far away were you from the trunk?

OFFICER GUSTILO: Well--

SR. INV. CARPENTER: From Mr. Duarte?

OFFICER GUSTILO: I don't know the exact footage.

SR. INV. CARPENTER: Approximate.

OFFICER GUSTILO: Maybe 20 to 25 feet. I am not--I'm not very good with like eyeballing measurements, I guess. I--plus it's been so long. I don't recall the exact--maybe 25, 30 feet? I'm just throwing a number that I believe to be right. I don't know--we weren't right on top of him, I know that.

SR. INV. CARPENTER: Can you explain the purpose of creating time and distance?

OFFICER GUSTILO: It's just to--it's part of de-escalation. To not rush the situation and not--yeah, I mean, it's just an attempt at de-escalating the situation.

SR. INV. CARPENTER: What were you trained to do with non-compliant individuals?

OFFICER GUSTILO: It depends on the situation, I guess.

SR. INV. CARPENTER: Okay. Such as?

OFFICER GUSTILO: I mean, it just depends. You know. It depends on the situation. Depends on what--it's all situational. If they're non-compliant, you know, is it someone resisting arrest. You know. We--use--what tools we have and--to overcome that--that resistance to effect an arrest.

SR. INV. CARPENTER: What are you trained to do when you're at a location of disadvantage in relation to the suspect?

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OFFICER GUSTILO: A position of disadvantage?

SR. INV. CARPENTER: Yeah. Tight borders--

OFFICER GUSTILO: Re-position as best you can. You know. If you're in--if you feel like you're in a position of disadvantage, you don't want to stay in that position. It's compromising yourself and others so--

SR. INV. CARPENTER: Did you believe that you were in a location of disadvantage in this incident?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: And why?

OFFICER GUSTILO: 'Cause he--I wasn't in the trunk with him.

SR. INV. CARPENTER: Was it difficult to see his hands?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Was it difficult to create rapport with Mr. Duarte?

OFFICER GUSTILO: For myself, yes. But there was also a lot of people on scene. So, you know, not knowing who he was or--I didn't create rapport with him. I wasn't able to. It's tough to speak to someone from behind a trunk. You know, so--that made it very difficult.

SR. INV. CARPENTER: Did Officer Cassinelli, did he use a microphone while talking to Mr. Duarte?

OFFICER GUSTILO: I don't remember.

DPA ATTY. THOMPSON: What were you telling Mr. Duarte?

OFFICER GUSTILO: I believe I was just saying, "Let me see your hands," if I can remember correctly. I don't recall if there was more to it. Again, there was a lot of people on scene

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so--just trying to keep the--the confusion and--down and try to have one voice or a couple voices speak so it's more clear to both sides.

DPA ATTY. THOMPSON: And how many times did you ask Mr. Duarte to see his hands?

OFFICER GUSTILO: I don't recall.

DPA ATTY. THOMPSON: More than once?

OFFICER GUSTILO: I don't recall. Possibly.

DPA ATTY. THOMPSON: Was there a lot of cross-talk? Or commands--cross-commands to Mr. Duarte?

OFFICER GUSTILO: From--

DPA ATTY. THOMPSON: From multiple officers.

OFFICER GUSTILO: I don't recall if there was--I mean, I know there was multiple people who attempted to speak to him. But at some point I want to say--it was actually--Officer Banegas who came on-scene. She's also, I believe, she's also a Certified Spanish Speaker. I think she--other than Officer Santana, gave commands both in English and Spanish. I think when she arrived on scene, everyone kind of--gave her the--the voice, I guess, or the--the space to speak.

DPA ATTY. THOMPSON: Now if we can just go back, when was Mr. Navarro taken into custody? As with respect to when you arrived on-scene?

OFFICER GUSTILO: After we arrived on scene.

DPA ATTY. THOMPSON: So what happened? Can you just give us the sequence of events? So you arrived on-scene. What happened?

OFFICER GUSTILO: Like I said, we arrived on-scene and he

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was acting kind of erratic. I remember--

DPA ATTY. THOMPSON: Who was he?

OFFICER GUSTILO: Mr. [redacted].

DPA ATTY. THOMPSON: Okay.

OFFICER GUSTILO: He was asking--Mr. [redacted] was asking something to the effect of, you know, what's going on, why are you doing this? Something to that effect. There was conversation. I don't know between who and who. But eventually he--he walked back [UNINTELLIGIBLE] to us and Officer Smets and Officer Carroll took him into custody.

DPA ATTY. THOMPSON: And how far away were you from Officer--from Mr. Navarro when you arrived on-scene and when you saw him as you described as acting erratic?

OFFICER GUSTILO: Probably about 25, 30 feet away.

DPA ATTY. THOMPSON: Was there anything obstructing your view of Mr. [redacted] at that time?

OFFICER GUSTILO: I don't believe so.

DPA ATTY. THOMPSON: And how long before--when you arrived on the scene to when Mr. [redacted] was taken into custody, how much time had passed?

OFFICER GUSTILO: I don't recall.

DPA ATTY. THOMPSON: Was it minutes? More than ten minutes? Less?

OFFICER GUSTILO: It was minutes. I don't know the exact number. It wasn't an hour. It wasn't--it wasn't a great amount of time.

DPA ATTY. THOMPSON: And when you saw Mr. [redacted] acting, you know, erratic and questioning like why you were--and your

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partner and other members were at the scene, were you looking at the trunk as well?

OFFICER GUSTILO: I believe so because you could tell there was--the trunk was cracked open and--there was--Officer Cassinelli put out that there was--someone in the trunk.

DPA ATTY. THOMPSON: Thank you.

SR. INV. CARPENTER: Did Officer Cassinelli tell you, and your partner, that the individual, Mr. Duarte, in the trunk had a weapon or a gun?

OFFICER GUSTILO: I don't recall. I know he put out that it was a--gun robbery but I don't remember if when we spoke on scene or he told us on-scene if he told us that there was a gun in the trunk.

SR. INV. CARPENTER: Did you know how many individuals were in the vehicle when you were at the scene?

OFFICER GUSTILO: I didn't--I only saw the two. I saw that there was someone in the trunk and--[redacted] outside of the vehicle.

SR. INV. CARPENTER: Did you discuss any tactics or plans with other officers when Mr. Duarte refused to exit the trunk?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Did you know that there was someone in the back seat?

OFFICER GUSTILO: Not until after the OIS.

DPA ATTY. THOMPSON: Do you recall if any windows were tinted on the Honda Civic?

OFFICER GUSTILO: I don't recall.

DPA ATTY. THOMPSON: Do you recall if you could see the

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interior lights on inside of the car of the Honda Civic?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: After Officer Santana fired the ERIW, can you recall who was at the scene? How many officers or what officers were at the scene?

OFFICER GUSTILO: I mean, at that point, because the OIS happened shortly thereafter, I mean, Officer--obviously Officer Santana was there, myself, Officer Banegas, Officer Tupper, Officer Cassinelli, Officer Chiu, Officer Carroll, Officer Smets. That's all I can remember off the top of my head.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: Now, can you go back and just--now that we got to Officer Santana firing the--

SR. INV. CARPENTER: ERIW.

DPA ATTY. THOMPSON: The ERIW. Can you go back and tell us how that--it led to that? I think you mentioned the other Spanish-speaking female officer being as the one that took command. So Officer--so Mr. [redacted] is taken into custody.

OFFICER GUSTILO: Hm-hmm.

DPA ATTY. THOMPSON: What happens next?

OFFICER GUSTILO: Oh, we continued to work on--Mr. Duarte in the trunk of the vehicle. The back. Officers were instructing him to show us his hands, to come out of the trunk. At some point Officer Santana deployed the ERIW.

DPA ATTY. THOMPSON: Now had Officer--the Spanish-speaking Officer--

OFFICER GUSTILO: Banegas.

SR. INV. CARPENTER: Banegas.

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DPA ATTY. THOMPSON: Banegas. Had she already arrived on-scene?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: Okay. And is she the one solely communicating with Mr. Duarte in the trunk?

OFFICER GUSTILO: I believe so. But at some point they both--I know once Officer Santana gave the red light, or the--you know, once we all knew he was gonna deploy that, we all kind of listened in because, you know, we wanted to make sure he had the--or at least I wanted to make sure he had the clear--clear communication and was able to communicate what was gonna happen. So.

DPA ATTY. THOMPSON: And where was Officer standing in relation to you at the time that he was communicating with Mr. Duarte?

OFFICER GUSTILO: I don't recall. Maybe--he was definitely to my right. I believe--actually, I shouldn't state that. But I don't--I don't recall exactly his position.

SR. INV. CARPENTER: Did you hear the red light?

OFFICER GUSTILO: I don't remember what the exact call was. But I was aware that he was gonna deploy the less lethal.

SR. INV. CARPENTER: How were you aware?

OFFICER GUSTILO: I--I don't--again, I don't know if he--he used the red light less lethal--I--I'm fair certain he did. But I--I was fairly certain he was gonna deploy the less lethal based on some statement he gave. I don't know what those exact words were.

SR. INV. CARPENTER: Okay. So you heard him make a

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statement?

OFFICER GUSTILO: Something to the effect of--that he was going to deploy the less lethal.

DPA ATTY. THOMPSON: And where was Officer Banegas when you had knowledge that Officer Santana was going to--or activate the red light.

OFFICER GUSTILO: I don't know. I'm not--I'm not certain.

SR. INV. CARPENTER: Who was giving commands to Officer Banegas?

OFFICER GUSTILO: I--I don't know.

SR. INV. CARPENTER: Because she was--was she doing the interpreting?

OFFICER GUSTILO: I don't know. I--I know she was giving commands. I usually--unless there's someone else on scene telling her to say something, she's a very senior officer so I'm sure she's capable of giving her own commands and conducting--the--the--the conversation between both parties in that situation. But I don't know if she had someone else giving her--

SR. INV. CARPENTER: But not commands. Did someone tell her what to ask or to say to Mr. Duarte?

OFFICER GUSTILO: I don't know.

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: I have no idea.

SR. INV. CARPENTER: Was there a Sergeant on scene prior to the deployment of the ERIW?

OFFICER GUSTILO: I don't recall, off the top of my head.

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SR. INV. CARPENTER: Okay. Were there any Sergeants at the scene prior to the OIS?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Did you hear any Sergeants over the radio give instructions prior to the shooting?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: After the OIS did you see any Sergeants at the scene?

OFFICER GUSTILO: Yes. Sergeant Perez. I saw Lieutenant Banta. And there was another one. I can't remember the Sergeant's name off the top of my head. He's going to hate me for it. But I can't remember his name off the top of my head.

SR. INV. CARPENTER: Do you recall who was next to you prior to the OIS?

OFFICER GUSTILO: It was--Officer Carroll and Officer Chiu.

SR. INV. CARPENTER: And was Officer Carroll on your left?

OFFICER GUSTILO: I don't remember the exact--where they were--I know they were--we were very in the same vicinity.

SR. INV. CARPENTER: Were there any other officers that were near you that you just can't remember their names?

OFFICER GUSTILO: I believe--

SR. INV. CARPENTER: That were in close proximity. I know there were multiple officers but--

OFFICER GUSTILO: In close proximity?

SR. INV. CARPENTER: Yeah. Yes.

OFFICER GUSTILO: I believe off to my far left--I shouldn't say--I mean, further than the other two was--Officer--

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Smith--Ari. Smith-Russack is his last name.

SR. INV. CARPENTER: And why did he stand out to you? Or you recall him being to the far left?

OFFICER GUSTILO: I just--I mean--

SR. INV. CARPENTER: Is he in your eyesight or--

OFFICER GUSTILO: I thought I saw him at some point walk over there and take position over there behind the red truck, I think it was.

SR. INV. CARPENTER: Do you recall--how--Mr. Duarte's reaction when Officer Banegas was on the bullhorn giving him commands?

OFFICER GUSTILO: I don't.

SR. INV. CARPENTER: Were you still focused on Mr. Duarte in the trunk, when Officer Banegas was giving commands?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: What position did you have your firearm at that time?

OFFICER GUSTILO: It's the low-ready.

SR. INV. CARPENTER: Were you behind cover?

OFFICER GUSTILO: I don't believe we were just prior to the OIS. I think we broke cover.

SR. INV. CARPENTER: And why?

OFFICER GUSTILO: I think--I don't know exactly but I think my--can't remember--I can't remember exactly but I think my thought was when he comes out Officer Carroll and I were gonna come in and handcuff him up. That was my thought. I can't speak for Officer Carroll but I don't know where Officer Smets went after that. But that was my intentions, was to--he

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would come out and we would move in to handcuff him.

SR. INV. CARPENTER: And did you discuss that with Officer Carroll?

OFFICER GUSTILO: Huh-uh.

SR. INV. CARPENTER: What your [UNINTELLIGIBLE]--

OFFICER GUSTILO: [OVERLAPPING] No. No.

SR. INV. CARPENTER: But Officer Carroll did follow you to break cover?

OFFICER GUSTILO: He was--he was already outside of--we didn't--we didn't--

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: We were--both off to like this area over here so we didn't necessarily talk about it. It just--it's just one of the--a lot of times when you're on scenes like that, you just--kind of mentally and--you know, envision what's gonna happen and, you know, or like--I kind of, based on his actions I kind of figured that's what we were gonna do and--but there was no speaking about it. It wasn't--it was just that was what I was planning at least. I don't know what his intentions were. I think it was the fact that he was open, I wanted to also cover him. You know. I don't know.

DPA ATTY. THOMPSON: And when you say "this area", can you just describe it for the record 'cause you said "we were in this area".

OFFICER GUSTILO: That area where my name is. Where my initials are.

DPA ATTY. THOMPSON: Okay.

SR. INV. CARPENTER: And where was Officer Chiu, if you

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recall?

OFFICER GUSTILO: I don't recall. Like I said, I don't know what side they were on of me.

SR. INV. CARPENTER: Do you know if he was close?

OFFICER GUSTILO: Yeah.

SR. INV. CARPENTER: To you? Okay. Did you retrieve your ERIW from your vehicle?

OFFICER GUSTILO: I did not. No.

SR. INV. CARPENTER: And why not?

OFFICER GUSTILO: Because it was a call with a person with a gun.

DPA ATTY. THOMPSON: So what does that mean to you? As far as not retrieving the ERIW?

OFFICER GUSTILO: That there's potential use of deadly force against me so I--used my firearm.

DPA ATTY. THOMPSON: And is that what you are trained to do?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Do you know how many rounds Officer Santana fired with the ERIW? At Mr. Duarte?

OFFICER GUSTILO: I don't recall. I know one for sure. I don't know if there was more.

SR. INV. CARPENTER: Can you describe Mr. Duarte's reaction to the ERIW deployment?

OFFICER GUSTILO: I don't--I don't know--I don't know if he--I know he--the trunk popped open right after the ERIW was--was released. I don't know--what his reaction was. I didn't necessarily see his face at that point.

SR. INV. CARPENTER: Did you ever see his face?

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OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: If you need to stand up at any point, feel free.

OFFICER GUSTILO: No, it's okay.

DPA ATTY. THOMPSON: Okay. [LAUGH]

SR. INV. CARPENTER: Do you want some water?

DPA ATTY. THOMPSON: [UNINTELLIGIBLE] questions standing.

SR. INV. CARPENTER: You good? Okay. Did you move after Mr. Duarte was shot by the ERIW?

OFFICER GUSTILO: Did I move?

SR. INV. CARPENTER: Yeah. Did you move, change positions or--

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Was Mr. Duarte moving around in the trunk?

OFFICER GUSTILO: I don't know for sure.

SR. INV. CARPENTER: Do you have any questions regarding [UNINTELLIGIBLE] by Officer Banegas or [UNINTELLIGIBLE]?

DPA ATTY. THOMPSON: Yes. At this point when the--at least the one shot that you saw or heard Officer Santana fire at the Honda Civic where Mr. Duarte was in the trunk, had you heard any commands from either Officer Santana or Officer Banegas at this point?

OFFICER GUSTILO: I'm sorry. Was it after?

DPA ATTY. THOMPSON: After.

OFFICER GUSTILO: I don't recall. I don't recall.

DPA ATTY. THOMPSON: And after you saw that first, or heard

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the first shot of the ERIW that Officer Santana fired, what did you see with regards to the trunk and Mr. Duarte?

OFFICER GUSTILO: It popped open. The trunk popped open and I don't recall if I saw him laying there or not. I know the--the incident occurred shortly thereafter the trunk popped open.

DPA ATTY. THOMPSON: And by "incident", you mean the--

OFFICER GUSTILO: The OIS.

DPA ATTY. THOMPSON: Okay. And do you know how--what that short time was?

OFFICER GUSTILO: It was quick. I don't know the exact timeframe but it was--it was very quick.

DPA ATTY. THOMPSON: Could you approximate? Less than five minutes? More than ten?

OFFICER GUSTILO: I believe it's less.

DPA ATTY. THOMPSON: Less.

OFFICER GUSTILO: But I'm taking a shot in the dark. I don't remember the exact timeframe.

DPA ATTY. THOMPSON: Okay. And we don't want you to speculate about anything. It's just what you recall to the best of your ability.

SR. INV. CARPENTER: And just for the record, OIS is Officer Involved shooting, correct?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Okay. Now we're gonna move onto the shooting. So after the ERIW was deployed, you say that the trunk popped open. And then what happened?

OFFICER GUSTILO: Shortly after the trunk popped open,

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Mr. Duarte yelled some expletive. I think--I think it was a "fuck you". And then raised firearm up and that's--when he raised the firearm up, I and other officers--used our firearms.

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: Shot back.

SR. INV. CARPENTER: So let's just focus on what you did.

OFFICER GUSTILO: Yeah.

SR. INV. CARPENTER: So--you say he yelled an expletive. Did you see his face at that time?

OFFICER GUSTILO: No. I don't--I don't recall seeing his face but I know I heard an expletive and then, like I said, I--it sounded like a "fuck you".

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: And--this--sorry. This is in English? The "fuck you"?

OFFICER GUSTILO: Yes. Yes.

SR. INV. CARPENTER: And then you said that he raised his firearm?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Did you see his hand or did you see the firearm?

OFFICER GUSTILO: I remember seeing the firearm come up.

SR. INV. CARPENTER: Do you--can you describe the firearm?

OFFICER GUSTILO: It was a pistol. That's all I remember.

DPA ATTY. THOMPSON: What made you believe it was a pistol?

OFFICER GUSTILO: It looked like a pistol.

SR. INV. CARPENTER: And what does a pistol look like?

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OFFICER GUSTILO: Like a handgun. I'm not sure what--

SR. INV. CARPENTER: And was it black, brown--

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: I don't know if it was silver or black, I don't--I just--it--it looked like a pistol

DPA ATTY. THOMPSON: Did it look like a semi-automatic? A revolver? Can you describe what the gun looked like in your opinion?

OFFICER GUSTILO: I--I can't. I'm not a real gun guy. I just know what guns look like and--it--what he raised towards us looked like a gun.

SR. INV. CARPENTER: Did he raise it towards you?

OFFICER GUSTILO: I mean, in the direct--like I said earlier, in the direction of police. I was--there was a lot of us there. I don't recall if he raised it at me. I think I was--away from h is exact view but I don't know. I can't speak for him, so.

DPA ATTY. THOMPSON: Could you describe how Mr. Duarte was positioned in the trunk when he raised the gun? Was he sitting up? Was--or did you just see the hand and the gun come out the trunk? Can you describe that?

OFFICER GUSTILO: Oh, I believe I saw the hand and the gun come up and he was laying down and he came up, turning towards us. So, like I said, I believe his head was towards us. Towards me. On the--I want to say that's south side of the car. And his left hand came up towards us.

DPA ATTY. THOMPSON: And did you see Mr. Duarte's finger on

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the trigger?

OFFICER GUSTILO: I couldn't tell you. I don't know.

SR. INV. CARPENTER: Did Mr. Duarte fire? What did you fire?

OFFICER GUSTILO: When I'd saw the gun coming up towards us.

SR. INV. CARPENTER: Did Mr. Duarte fire his weapon?

OFFICER GUSTILO: I don't recall at the time if I knew.

DPA ATTY. THOMPSON: Could you see if Mr. Duarte was holding the handle of the gun?

OFFICER GUSTILO: I don't recall.

DPA ATTY. THOMPSON: Did it appear to you that he was holding the handle of the gun?

OFFICER GUSTILO: I believe so. Again, I don't recall. I just know the gun--gun was in his hand.

SR. INV. CARPENTER: Did you fire first at Mr. Duarte?

OFFICER GUSTILO: I don't know.

SR. INV. CARPENTER: Did you hear gunshots prior to you pulling your trigger?

OFFICER GUSTILO: I don't know.

DPA ATTY. THOMPSON: And what's going through your mind when you see the handgun and you fire your weapon?

OFFICER GUSTILO: I don't recall what was exact going through my mind. I just--that there was a gun.

DPA ATTY. THOMPSON: And is that part of your training and what you're trained to do when you see a firearm or someone aiming a gun in your direction?

OFFICER GUSTILO: Yeah. When there's someone aiming a

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gun in our direction, yeah.

SR. INV. CARPENTER: Did you fire before Officer Carroll fired his weapon?

OFFICER GUSTILO: I don't know.

DPA ATTY. THOMPSON: And where were you aiming your gun?

OFFICER GUSTILO: Towards Mr. Duarte in the trunk.

SR. INV. CARPENTER: Was there a specific region? Or a specific area in the trunk that you were aiming?

OFFICER GUSTILO: I don't recall.

DPA ATTY. THOMPSON: And when you fired your weapon, did you see anyone else in the car besides Mr. Duarte?

OFFICER GUSTILO: I did not.

SR. INV. CARPENTER: How many rounds did you fire before you assessed?

OFFICER GUSTILO: I want to--I'm not exactly sure but it's probably--I want to say two or three. And that's just how I have always--'cause of training, you know.

SR. INV. CARPENTER: After you fired your weapon, did you find cover or did you stay--did you find cover?

OFFICER GUSTILO: I don't recall. I don't recall exactly what happened or what I did next.

SR. INV. CARPENTER: So you say you fired two or three rounds?

OFFICER GUSTILO: I believe so.

SR. INV. CARPENTER: And then you assessed?

OFFICER GUSTILO: Hm-hmm.

SR. INV. CARPENTER: And then what did you do--

OFFICER GUSTILO: Yes. I'm sorry. I don't recall. Like

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I said. And then we waited for someone to come out with a shield. And I want to say at some point there I could hear [redacted] saying that his girlfriend was in the back of the car. And I know at some point--I don't remember if it was prior to OIS or after. I asked for her name to try to get her to come out and I think--I think it was after. You know, so we could try to talk to her and have her come out.

SR. INV. CARPENTER: So where was Mr. [redacted]?

OFFICER GUSTILO: He was in the back of a patrol car.

SR. INV. CARPENTER: And you heard him yelling?

OFFICER GUSTILO: Hm-hmm.

SR. INV. CARPENTER: That his girlfriend was in the trunk--in the backseat of the car?

OFFICER GUSTILO: Yeah. I believe it was after the OIS.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: And did you hear him yelling in English or Spanish?

OFFICER GUSTILO: I--it was probably English.

SR. INV. CARPENTER: And did you walk to him to ask what his girlfriend's name was?

OFFICER GUSTILO: Hm-hmm. Yes. I'm sorry.

DPA ATTY. THOMPSON: And where was the car that Mr. [redacted]--or the patrol car that Mr. [redacted] and with respect to the Honda Civic?

OFFICER GUSTILO: I don't remember which car he was in. If it was--it was on--I don't know if it was our patrol car or it was another one behind it. I can't remember.

SR. INV. CARPENTER: How many shots did you fire, total?

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OFFICER GUSTILO: Like I said, two, maybe three.

SR. INV. CARPENTER: Oh, two or three were the total amount of shots?

OFFICER GUSTILO: Myself.

SR. INV. CARPENTER: Yes.

OFFICER GUSTILO: Yes. I--that I can recall. I believe it was two or three.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: How many shots did you hear fired?

OFFICER GUSTILO: Did I hear fire?

DPA ATTY. THOMPSON: Yes.

OFFICER GUSTILO: Multiple. I don't know the exact--

DPA ATTY. THOMPSON: How long did you hear the gunshots go off?

OFFICER GUSTILO: Few seconds.

SR. INV. CARPENTER: Did you move while you were firing your weapon? Like--yeah. Were you moving at all while you were firing?

OFFICER GUSTILO: I don't believe so.

SR. INV. CARPENTER: How close were you to Mr. Duarte when you opened fire at him?

OFFICER GUSTILO: Same. 25 feet maybe?

SR. INV. CARPENTER: And what was your sequence of fire? Was it fast?

OFFICER GUSTILO: I don't think it was fast.

SR. INV. CARPENTER: Was it pairs?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Was it a burst?

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OFFICER GUSTILO: I don't recall. I know it wasn't--it wasn't fast. It wasn't--

DPA ATTY. THOMPSON: What made you stop firing your weapon?

OFFICER GUSTILO: Like I said, I--that's just how--I think in the Academy with--the way our training is, is shoot no more than--I don't remember take more than four shots at any point during the training so I would--I'm just trained to shoot a couple rounds and then assess and at that point, you know, it was already over.

DPA ATTY. THOMPSON: What did you see Mr. Duarte do with the gun when you were firing at him?

OFFICER GUSTILO: I just--the gun came up from the trunk.

DPA ATTY. THOMPSON: So what do you mean, "came up"?

OFFICER GUSTILO: Came up from the trunk and was pointed--was coming towards our direction. His hand's on the gun and it--was coming up from the trunk.

DPA ATTY. THOMPSON: And then what did you see happen to the gun as you're firing? And as you hear the fire? The firing.

OFFICER GUSTILO: It--there was a lot of smoke. I don't know exactly what happened to the gun. You know, it looked to me it fell back into the trunk. I don't know exactly where it ended up.

DPA ATTY. THOMPSON: So when you fired your two or three shots, was the threat neutralized?

OFFICER GUSTILO: I believe so. I--I--it ended and once--the shooting stopped, there was no more shots.

DPA ATTY. THOMPSON: What made you believe that the incident was neutralized or--that Mr. Duarte was neutralized?

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OFFICER GUSTILO: There was more call-outs and there was no more movement.

DPA ATTY. THOMPSON: What do you mean by "call-outs"?

OFFICER GUSTILO: Calls to see his hands, I believe.

SR. INV. CARPENTER: Was it that there were no more calls to see his hands?

OFFICER GUSTILO: There--I believe there were. I don't recall top of my head exactly but I know we waited for a shield to approach the vehicle. So.

SR. INV. CARPENTER: Did someone yell anything out at that time?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: So how did you know about the shields?

OFFICER GUSTILO: I just--I don't recall. I just remember someone saying "We're getting a shield", or "Wait for a shield", or something to that effect. Then the shields appeared.

SR. INV. CARPENTER: Were you ordered to stop firing?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Was your view ever impeded when you opened fire?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Were there any pedestrians nearby when the gunshots were fired?

OFFICER GUSTILO: I don't recall.

SR. INV. CARPENTER: Are you required to be aware of any civilians or pedestrians in the backdrop when you fire weapons?

OFFICER GUSTILO: Yes.

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SR. INV. CARPENTER: Did you see Officer Ishida at the scene?

OFFICER GUSTILO: I don't recall if I did.

SR. INV. CARPENTER: Officer O'Rourke?

OFFICER GUSTILO: I mean, I saw him later on. I don't know exactly where he was at.

SR. INV. CARPENTER: Or Officer Nagai?

OFFICER GUSTILO: Same.

SR. INV. CARPENTER: I'm sorry, if I'm not pronouncing--

OFFICER GUSTILO: Yeah, Nagai.

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: I don't know exactly where he was at.

SR. INV. CARPENTER: Do you have anything else on the shooting?

DPA ATTY. THOMPSON: No, that's it.

SR. INV. CARPENTER: Okay. So after the shooting, you stated you stopped firing. You heard something to the effect of "Wait for the shields"?

OFFICER GUSTILO: Hm-hmm.

SR. INV. CARPENTER: Correct?

DPA ATTY. THOMPSON: Is that a yes?

OFFICER GUSTILO: Oh, I'm sorry. Yes.

SR. INV. CARPENTER: Was it after the gunshots were stopped that you went to speak to Mr. [redacted] regarding the name of his girlfriend I the [truck]?

OFFICER GUSTILO: I believe so.

SR. INV. CARPENTER: And how long was the--the incident?

OFFICER GUSTILO: In total?

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SR. INV. CARPENTER: Yeah. How long did it feel to you?

OFFICER GUSTILO: It felt like a long time but it was fairly quick, I believe. I don't--

SR. INV. CARPENTER: How long did it feel in--like minutes or hours, you know?

OFFICER GUSTILO: I--I don't know. It just felt like a long time. But I know it was--it was minutes. That the whole incident took place.

DPA ATTY. THOMPSON: And by "incident", you mean from the time you arrived to the time you discharged your firearm?

OFFICER GUSTILO: I believe so.

DPA ATTY. THOMPSON: And that's the [UNINTELLIGIBLE]--

OFFICER GUSTILO: We're not talking, we're not talking hours. I don't believe we were out there for hours. But I know it was--minutes. I don't know the exact timeframe. But--it wasn't--an hour-long barricaded suspect.

DPA ATTY. THOMPSON: Was it less than 30 minutes?

OFFICER GUSTILO: Maybe. I don't know for sure.

SR. INV. CARPENTER: What--can you please describe Mr. Duarte's body positioning after the shooting?

OFFICER GUSTILO: Inside the trunk or outside of the trunk?

SR. INV. CARPENTER: Inside the trunk?

OFFICER GUSTILO: I didn't go to the trunk so I'm not exactly sure what it looked like inside there or what--what his body positioning was inside the trunk.

DPA ATTY. THOMPSON: What did you do after you fired your weapon and spoke--or spoke to Mr. [redacted] about his girlfriend's

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name?

OFFICER GUSTILO: Waited for the shield. And then once we--the shield came, applied cover and then moved up to the--the driver's side door so we could get [redacted]--I don't know--I can't remember her last name now. Out of the back.

SR. INV. CARPENTER: Alfaro.

DPA ATTY. THOMPSON: And this is the driver's side door of the Honda Civic that Mr. Duarte was in.

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: I think you stated in your--in your narrative that you checked to see if anything happened so--when you went to the front of the--the suspect vehicle, you did something else to see if something else was going on. And talked to any other--

OFFICER GUSTILO: Just--

SR. INV. CARPENTER: And talked to any other suspects or what witnesses--

OFFICER GUSTILO: We--we just--I don't--I myself and--I think it was my partner and I walked up the street just to make sure there was no other outstanding suspects and there was no one else involved in the incident.

DPA ATTY. THOMPSON: And you mean by walking up the street, would that be toward 21st Street?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: And would that mean walking past the Honda Civic?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: Were you looking also for victims of

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gunshots?

OFFICER GUSTILO: Potentially, if--if there was--if there were any. We were looking anything related to the incident. Or I was looking for anything related to the incident, I should say.

DPA ATTY. THOMPSON: What happened when you approached the driver's side door of the black Honda Civic?

OFFICER GUSTILO: I don't recall. I know [redacted] was in the back and I don't remember which officers got her out of the back of the Honda Civic but they got her out and took her into custody as well.

DPA ATTY. THOMPSON: Do you know how [redacted] was positioned when you approached the Honda Civic?

OFFICER GUSTILO: I wasn't able to see in. There was a lot of people around. I couldn't see.

DPA ATTY. THOMPSON: When you approached the Honda Civic did you look into the trunk?

OFFICER GUSTILO: I don't recall. I may or may not have. I don't remember.

DPA ATTY. THOMPSON: And how are you feeling at this time when you're walking to the Honda Civic?

OFFICER GUSTILO: I don't recall. Like I say--you mean at the time how I was feeling or how I feel now?

DPA ATTY. THOMPSON: No. At the time.

OFFICER GUSTILO: Oh. I--I don't--I don't recall.

SR. INV. CARPENTER: Were you out of breath? Were you sweating? Were you nervous?

OFFICER GUSTILO: Yeah, I mean--you know, I'm sure I was

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all of that. I don't know if I was sweating but, you know, I mean--we just--I just discharged my firearm and it was definitely--you know, adrenaline was definitely, you know, worked up from the incident.

DPA ATTY. THOMPSON: So what did you do with your firearm after you discharged it?

OFFICER GUSTILO: Oh, I believe once we cleared--you know, walked down the street, I holstered it and put it in--and holstered my weapon.

SR. INV. CARPENTER: So you had your firearm out. And you walked past the suspect vehicle?

OFFICER GUSTILO: Yes. I believe so. I'm fairly certain I did just because--it's a dark street. Who knows what's down there. And--just until we could make sure there was nothing else going on and I--I would--I would keep my firearm out.

DPA ATTY. THOMPSON: Now do you know if--there were any artificial lights at this point? Especially when Officer Banegas was communicating and Officer Santana were attempting to communicate with [Officer] Duarte.

OFFICER GUSTILO: There's no Officer Duarte.

DPA ATTY. THOMPSON: I mean, sorry. Duarte. I'm so sorry. Officer Santana.

OFFICER GUSTILO: If there were artificial lights meaning--

DPA ATTY. THOMPSON: You know, those Department-issued lights where they bring them in and they--you know, those big--

OFFICER GUSTILO: I--I don't know. I don't know. I don't remember.

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DPA ATTY. THOMPSON: Okay. And what were the lighting conditions like as you're walking up 21st Street past the black Honda Civic?

OFFICER GUSTILO: I don't recall. I know--I believe it was pretty dark down the street. I don't know what the street light situation is. I don't remember but it was fairly dark down that way.

SR. INV. CARPENTER: Was an ambulance requested?

OFFICER GUSTILO: I believe so.

SR. INV. CARPENTER: Did you request the ambulance?

OFFICER GUSTILO: I don't recall. I don't think I did. I think someone else who was not involved. There was--at that point there was a lot of people on scene. And I--I'm fairly certain there was an ambulance staged prior to the OIS. So.

SR. INV. CARPENTER: Did you speak to anyone at the scene after the shooting?

OFFICER GUSTILO: Just our Sergeants and Lieutenant Banta. I mean, he kind of directed us immediately after the shooting.

DPA ATTY. THOMPSON: Is our body-worn camera still activated?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: What happened to you once your supervisor arrived at the scene?

OFFICER GUSTILO: He corralled myself and all the officers who were involved and they transported us back to the station.

SR. INV. CARPENTER: And did you provide a public safety

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statement?

OFFICER GUSTILO: I believe so.

SR. INV. CARPENTER: Who did you provide that to?

OFFICER GUSTILO: I don't remember.

DPA ATTY. THOMPSON: Were you read that blue card? Are you--

POA ATTY. NOBLES: [CLEARS THROAT]

OFFICER GUSTILO: I believe so. I believe so. I just don't remember who read it.

DPA ATTY. THOMPSON: Okay. And where were you read the blue card that discussed the OIS or--

OFFICER GUSTILO: I don't remember.

DPA ATTY. THOMPSON: And asked about your safety and everything else?

OFFICER GUSTILO: I don't remember. I want to say it was on scene but I can't say for sure.

DPA ATTY. THOMPSON: Okay. And how were you transported back to--was it Mission Station?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: How were you transported back there?

OFFICER GUSTILO: In the back of an unmarked patrol car, or unmarked car.

DPA ATTY. THOMPSON: Do you know who transported you?

OFFICER GUSTILO: It was Officer Kerrigan, I know was one of them. And I can't remember his partner's name that night. I know Kerrigan was one who transported us.

DPA ATTY. THOMPSON: And what division were they in?

OFFICER GUSTILO: They were in Mission.

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DPA ATTY. THOMPSON: Mission? Okay.

OFFICER GUSTILO: They were just working plainclothes that evening.

DPA ATTY. THOMPSON: And was anyone else in the car with you besides Officer Kerrigan and--

OFFICER GUSTILO: Yes. His partner and then there was--I think there was two other people in the car but I don't recall who those were.

SR. INV. CARPENTER: Two other officers--

OFFICER GUSTILO: Two other officers that were involved. They kind of bused us over together.

DPA ATTY. THOMPSON: Did you talk with anyone in the car about what just happened?

OFFICER GUSTILO: No.

DPA ATTY. THOMPSON: How long did it take to get from the scene back to Mission Station?

OFFICER GUSTILO: Couple minutes. It wasn't very long.

DPA ATTY. THOMPSON: Do you still have your firearm on you at this time?

OFFICER GUSTILO: The firearm that was used that evening?

DPA ATTY. THOMPSON: Yes.

OFFICER GUSTILO: The Department seized it.

DPA ATTY. THOMPSON: When did they seize the firearm? Your firearm?

OFFICER GUSTILO: At the station.

DPA ATTY. THOMPSON: But I'm saying is when you were transported to Mission Station from the scene--

OFFICER GUSTILO: Oh, yes. Yes. I still had it on me.

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SR. INV. CARPENTER: So did they seize it at Mission Station?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: And as you're being transported back to Mission Station, what's going on in your mind? How are you feeling?

OFFICER GUSTILO: I don't recall the exact feelings. But, you know, that's one of those things that--some people [UNINTELLIGIBLE] don't ever go through and it happened. I think that was more of a--you know, still new to this field and--I was involved in this incident so--

SR. INV. CARPENTER: Okay.

OFFICER GUSTILO: It was kind of shock but--I don't recall the exact--how exact time.

DPA ATTY. THOMPSON: And had you ever discharged your weapon prior till that point of the incident?

OFFICER GUSTILO: Just training.

DPA ATTY. THOMPSON: Training. Okay.

POA ATTY. NOBLES: Thank you.

SR. INV. CARPENTER: And were you given a replacement weapon?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: And were you separated and monitored after the incident?

OFFICER GUSTILO: Yes.

DPA ATTY. THOMPSON: When were you given the replacement firearm?

OFFICER GUSTILO: Same evening as the--the same evening

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they took our--firearms.

DPA ATTY. THOMPSON: And how does that process work or how did that work that evening? Or early morning, I should say.

OFFICER GUSTILO: I mean, they had us all separated and one by one they just called us into the community room where someone from the Armory was and I believe CIS is with them and they took--they took firearm and they issue you a new one.

SR. INV. CARPENTER: Okay. And were you still in possession of your body-worn camera?

OFFICER GUSTILO: I don't recall. I don't recall when they--they took them from us. I know once we got to the station, we left them on the whole time just 'cause we didn't know and--what to do and I believe Lieutenant Banta told us keep them running until they told us to turn them off. So it wasn't until we got back at some point to the station, I want to say that we turned them off.

SR. INV. CARPENTER: Did you review your body-worn camera the night of the incident or the morning of the incident?

OFFICER GUSTILO: I don't recall. I don't believe so. I don't think we had access to them but--

SR. INV. CARPENTER: Were you injured as a result of this incident?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Were you provided medical treatment?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: Did you experience any perceptual distortions?

OFFICER GUSTILO: No.

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SR. INV. CARPENTER: Either sight, sound, time, memory loss, disassociation?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: What time did you get home?

OFFICER GUSTILO: I don't remember. It was pretty early in the morning.

SR. INV. CARPENTER: And what time did you--were you scheduled to get off that night? Or that morning [UNINTELLIGIBLE].

OFFICER GUSTILO: 2 a.m.

SR. INV. CARPENTER: 2 a.m.?

DPA ATTY. THOMPSON: Do you know how long you were at Mission Station when you were transported from the scene?

OFFICER GUSTILO: Until we left?

DPA ATTY. THOMPSON: Hm-hmm.

OFFICER GUSTILO: I don't know. It was hours.

DPA ATTY. THOMPSON: Hours?

OFFICER GUSTILO: Yeah.

DPA ATTY. THOMPSON: Okay.

SR. INV. CARPENTER: When did you first provide a statement regarding the incident?

OFFICER GUSTILO: That evening. Spoke to--spoke to the POA lawyers.

DPA ATTY. THOMPSON: About how long after did you give the first statement when you arrived at Mission Station?

OFFICER GUSTILO: I don't recall. It's a couple hours maybe. I don't remember the exact timeframe.

DPA ATTY. THOMPSON: And what are you doing during those two

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hours? Are you seated somewhere?

OFFICER GUSTILO: Hm-hmm.

DPA ATTY. THOMPSON: Where are you seated?

OFFICER GUSTILO: I was in the Sergeant's Office.

DPA ATTY. THOMPSON: Is anyone in there with you?

OFFICER GUSTILO: Sergeants.

DPA ATTY. THOMPSON: Okay. Did you discuss the incident during that time?

OFFICER GUSTILO: No.

DPA ATTY. THOMPSON: Okay. Is there anyone else that you know that are believed to have fired their weapon in the same room with you as the Sergeants? As you're waiting to give your first interview?

OFFICER GUSTILO: I don't recall. I think it was just me. I was in the very back of the Sergeants' Office and I just remember the Sergeants moving in and out.

DPA ATTY. THOMPSON: Hm-hmm. And is this on the first or second floor of Mission Station?

OFFICER GUSTILO: On the first floor.

SR. INV. CARPENTER: Did you provide any verbal statement to the officer preparing the Incident Report?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: And did you provide a written statement for the Report?

OFFICER GUSTILO: I don't believe so. No.

SR. INV. CARPENTER: Did you review your body-worn camera at all for this incident?

OFFICER GUSTILO: I have seen the footage.

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DPA ATTY. THOMPSON: Do you know when you viewed the footage?

OFFICER GUSTILO: I know one particular time was when we were sitting with--when I had my interview with Internal Affairs.

DPA ATTY. THOMPSON: Okay. And where was that at? The interview conducted?

OFFICER GUSTILO: It was at IA downtown. Or at Headquarters.

DPA ATTY. THOMPSON: And how long after the incident? How long after the incident did you review your body-worn camera that one time?

OFFICER GUSTILO: I don't--it was--I don't remember when it was--I don't know, it must have been a week or I don't remember the exact timeframe. I think it was a week after, was when we actually met with IA. But I'm not sure certain.

DPA ATTY. THOMPSON: Did you go anywhere else besides Mission Station and home that evening or during your shift?

OFFICER GUSTILO: Huh-uh.

DPA ATTY. THOMPSON: Is that a yes or no?

OFFICER GUSTILO: I'm sorry. No.

DPA ATTY. THOMPSON: So you only stayed at Mission Station after the shooting?

OFFICER GUSTILO: Yes. You mean, did they move us around anywhere?

DPA ATTY. THOMPSON: Yeah. Did you go to the Hall of Justice or anything like that?

OFFICER GUSTILO: No.

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DPA ATTY. THOMPSON: No.

OFFICER GUSTILO: No, no. We went straight to Mission and then left from there.

DPA ATTY. THOMPSON: To go home?

OFFICER GUSTILO: Yes.

SR. INV. CARPENTER: [UNINTELLIGIBLE] Mr. Nobles?

POA ATTY. NOBLES: No. No. Nothing.

SR. INV. CARPENTER: All right. Is there any other statement relevant to this incident you wish to make at this time?

OFFICER GUSTILO: No.

SR. INV. CARPENTER: And are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

OFFICER GUSTILO: No.

DPA ATTY. THOMPSON: I do have--want to go back just a little bit. Like how do you feel now about the incident? Or how are any feelings that you have, any--

OFFICER GUSTILO: I--I don't have any--I don't have anything that I really want to talk about or--

DPA ATTY. THOMPSON: Thank you.

SR. INV. CARPENTER: You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any allegations in the case and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview, if possible. Is there anything else you would like the Chief to consider in that regard?

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OFFICER GUSTILO: No.

SR. INV. CARPENTER: The interview is concluded. The time now is 12:42 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER RAY ORTIZ, #4189

DATE OF INTERVIEW: 04/09/2019

SR. INV. CANDACE CARPENTER: This interview regarding DPA Case Number 0097-18 is taking place at the Department of Police Accountability on April 9th, 2019 at 2:36 p.m. Conducting this interview is myself, Senior Investigator Candace Carpenter, and Attorney Tinnetta Thompson. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation. The member being interviewed is Ray Ortiz, star number--is it Ortiz?

OFFICER RAY ORTIZ: Yes.

SR. INV. CARPENTER: Ortiz.

OFFICER ORTIZ: Ortiz.

SR. INV. CARPENTER: Star number 4189, who is a witness officer in this matter. Officer Ortiz, I have provided you a DPA Administrative Interview Advisement Form. If you have not already, please sign and form and hand it back to me. Okay. Thank you.

OFFICER ORTIZ: You're welcome.

SR. INV. CARPENTER: And for the recording, I note that Officer Ortiz has handed me a DPA Administrative Interview Advisement Form which bears his signature, star number, and today's date. With all these advisements in mind, is there any

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reason you cannot go forward right now?

OFFICER ORTIZ: No.

SR. INV. CARPENTER: Okay.

DPA ATTY. TINNETTA THOMPSON: Now, Officer Ortiz, have you ever testified in court before?

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Okay. So you know the--what we expect--or not even what we expect but this is going to be transcribed later on.

OFFICER ORTIZ: Okay.

DPA ATTY. THOMPSON: So if you would answer with either "yes" or "no" and not "hm-hmm", so that the transcriber can take it down accordingly, and that we don't talk over each other and we wait for each other's responses.

OFFICER ORTIZ: Okay.

SR. INV. CARPENTER: So we're just gonna discuss first your background and training and experience.

OFFICER ORTIZ: Okay.

SR. INV. CARPENTER: So how long have you been employed by SFPD?

OFFICER ORTIZ: Coming on [redacted].

SR. INV. CARPENTER: Okay. And have you been a law enforcement officer with any other agency?

OFFICER ORTIZ: No.

SR. INV. CARPENTER: And so when did you attend the Academy?

OFFICER ORTIZ: [redacted].

SR. INV. CARPENTER: And have you attended any Advanced Officer Training?

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OFFICER ORTIZ: Officer [Event]?

SR. INV. CARPENTER: Advanced Officer Training.

OFFICER ORTIZ: Oh, the--yes. Yes, it--sorry.

SR. INV. CARPENTER: That's okay. And do you live in the City?

OFFICER ORTIZ: No, I do not.

SR. INV. CARPENTER: And when did you become a CSI officer?

OFFICER ORTIZ: 2000--February 14th of 2014.

SR. INV. CARPENTER: And what made you want to be a CSI officer?

OFFICER ORTIZ: I--thought it would be very interesting to see how to process things and to go through the whole steps of being an investigator for a scene there.

DPA ATTY. THOMPSON: What is CSI?

OFFICER ORTIZ: Crime Scenes Investigations.

DPA ATTY. THOMPSON: And what do you do?

OFFICER ORTIZ: We process crime scenes.

DPA ATTY. THOMPSON: What does that entail?

OFFICER ORTIZ: Collect evidence, photographs, videos, document reports, diagram. That's about it.

SR. INV. CARPENTER: Okay. And then were you an investigator anywhere else?

OFFICER ORTIZ: No.

SR. INV. CARPENTER: Okay. And what kind of training have you received as a Crime Scene Investigator?

OFFICER ORTIZ: Took quite a few classes. We had Basic Crime Scenes Investigations. We had Diagrams. Blood Stains. Photographs. Latent. [UNINTELLIGIBLE]--Search Warrants. I'm

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blanking all my classes. [LAUGH] Diagrams. Trajectory. That's about it.

SR. INV. CARPENTER: Okay. And how long were these courses?

OFFICER ORTIZ: Some were a week. Some were two days. Some were two weeks. They varied.

SR. INV. CARPENTER: Varied?

OFFICER ORTIZ: Yeah.

SR. INV. CARPENTER: And have you continued your training?

OFFICER ORTIZ: I haven't taken a class for--maybe a year, two years now.

SR. INV. CARPENTER: Okay. So when was the last training that you attended?

OFFICER ORTIZ: Want to say the last one was the Diagram. The newest Diagram that we have.

SR. INV. CARPENTER: And have you received any Advanced Training in the CSI?

OFFICER ORTIZ: Some of those classes are advanced. Like Latent. The--I want to say--I know the Latent for sure. I'm not sure of the other ones.

SR. INV. CARPENTER: Okay. And how many OIS's have you--or Officer Involved Shootings have you responded to?

OFFICER ORTIZ: Maybe--maybe ten-ish. I don't know. Somewhere around there.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Maybe under probably, maybe more like seven.

SR. INV. CARPENTER: Seven or more?

OFFICER ORTIZ: Six. Yeah.

SR. INV. CARPENTER: Or seven?

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DPA ATTY. THOMPSON: Just to go back just a little bit. What was the last course that you took a training in?

OFFICER ORTIZ: The last class--

DPA ATTY. THOMPSON: The class--

OFFICER ORTIZ: Is for the Diagrams. Doing our computer diagrams.

DPA ATTY. THOMPSON: Oh, I'm sorry--

OFFICER ORTIZ: Drawings.

DPA ATTY. THOMPSON: When was that?

OFFICER ORTIZ: Oh.

DPA ATTY. THOMPSON: Approximately.

OFFICER ORTIZ: Maybe--maybe two years ago?

DPA ATTY. THOMPSON: And were you--was there a certification process?

OFFICER ORTIZ: Hm-hmm.

DPA ATTY. THOMPSON: Or--

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: And prior to you being in--or being promoted to the CSI unit, did you have to take any courses prior to being I the unit or--

OFFICER ORTIZ: No.

DPA ATTY. THOMPSON: When you got there.

OFFICER ORTIZ: When we got there.

DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: We get our training.

DPA ATTY. THOMPSON: Okay. And how long was that initial training in CSI?

OFFICER ORTIZ: You're on like a probation kind of thing for

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a year, kind of thing, so you're doing kind of hands-on and you're following a senior CSI person and they're going through the cases with you and showing you how to process scenes and--and then you're also doing classes. So.

DPA ATTY. THOMPSON: And are there certifications involved with those classes as well?

OFFICER ORTIZ: All of them.

DPA ATTY. THOMPSON: All of them?

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: And when you--was there an application process to being in the CSI unit?

OFFICER ORTIZ: Hm-hmm.

DPA ATTY. THOMPSON: Is that a yes?

OFFICER ORTIZ: Yes. I'm sorry.

DPA ATTY. THOMPSON: No.

OFFICER ORTIZ: Sorry. [LAUGH] Yes.

DPA ATTY. THOMPSON: Okay. Apologies.

SR. INV. CARPENTER: Okay. So you stated between seven and ten Officer Involved Shootings you responded to. And how many of--

OFFICER ORTIZ: There might be a higher number. I mean, that might be higher than I actually did but--I'm--

SR. INV. CARPENTER: Approximately.

OFFICER ORTIZ: Just guessing. Yeah, I've been to lot of scenes so kind of all blur together so--

SR. INV. CARPENTER: Okay. And how many major crime scenes have you responded to? Over 20?

OFFICER ORTIZ: Over 20. Not OIS. Just--

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SR. INV. CARPENTER: Just major crime scenes?

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: What does a major crime scene entail? Or what could it be?

OFFICER ORTIZ: Murder. Death. Stabbings. Rapes.

SR. INV. CARPENTER: And how many--

OFFICER ORTIZ: Great body--great bodily injury stuff.

SR. INV. CARPENTER: And how many of those major crime scenes have involved a firearm?

OFFICER ORTIZ: Hm. Quite a few.

SR. INV. CARPENTER: Over--the majority of the scenes?

OFFICER ORTIZ: We'll say.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: Can you tell us what--when you respond to a crime scene, how do you get the call, what happens when you get there, what's the process you go through?

OFFICER ORTIZ: We're notified by DOC usually.

DPA ATTY. THOMPSON: What is DOC?

OFFICER ORTIZ: [LAUGH]

DPA ATTY. THOMPSON: If you don't know the acronym, just what is it?

OFFICER ORTIZ: It's basically like our Dispatcher. [LAUGH] Sorry.

DPA ATTY. THOMPSON: No problem.

OFFICER ORTIZ: I'm trying to think [UNINTELLIGIBLE]. Yeah, it's basically our Dispatcher and they kind of screen the call, get the information, where we're going to be responding to, what it entails. And then they notify us by phone, by our Department

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phone. Or they'll call our--if it's before 5 o'clock, they contact our unit and either our secretary or one of the officers that are in the office will answer it, take the screening. Basically our--like our Dispatch and get the information relayed to one of us.

DPA ATTY. THOMPSON: And then what happens after you get the call?

OFFICER ORTIZ: Then we respond.

DPA ATTY. THOMPSON: Okay. And do you--let's say you're at home and you get the call because you're on call, do you--is there like some type of--like bag that you take there? Do you have to go back to the Hall of Justice? Like, tell me how that process works.

OFFICER ORTIZ: So we all have our--so when we're all on call, we all have a vehicle that we're assigned. And then that vehicle, you put everything in it. Everything with your bag, basically.

DPA ATTY. THOMPSON: And what's in that bag?

OFFICER ORTIZ: Tools. Swabs. Water. Camera. Measurement devices. Lasers. The camera, video camera, lights. Bunch of stuff. Everything we're gonna need for the process, whatever scene we respond to.

DPA ATTY. THOMPSON: And what happens when you get the call and you respond to the scene?

OFFICER ORTIZ: I'm sorry. Say that again?

DPA ATTY. THOMPSON: When you go to the scene, what happens? So you're in your car. You have the bag with you.

OFFICER ORTIZ: Hm-hmm.

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DPA ATTY. THOMPSON: What happens when you go to the scene?

OFFICER ORTIZ: We--everyone gets notified so that's--on-call, there's three of us. There's one that's a photographer. One that's the Senior person. And then there's one that's like the secondary back-up person. We all respond to the scene. We get there and we wait for everybody usually to get there at the same time so that we do a walk-through of the entire scene. Somebody will walk us through, letting us know when they got there what they saw. And then we see what we see when we get there. And that's how we document our scene.

DPA ATTY. THOMPSON: Are you given a debriefing by any of the units already on scene or who does the briefing with you?

OFFICER ORTIZ: Usually like the officer that's on-scene first is gonna walk us through the scene or maybe even their Lieutenant might be there and they're gonna walk us through, like some one of these scenes, it might be a Lieutenant walking us through the scene. And showing us what happened and where the area is. And we--pretty much kind of see it for yourself. But they also point it out to us.

DPA ATTY. THOMPSON: And then what do you do at that point?

OFFICER ORTIZ: At that point we go back and--I--well, whoever is the Senior person is documenting that, all that information. And then we'll complete our walk-through and then we begin processing it.

DPA ATTY. THOMPSON: Does that include like laying down evidence markers--

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Okay.

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OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Taking measurements.

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Looking for evidence?

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Okay. And what do you--what would you consider evidence at these type of scenes? Especially with a firearm?

OFFICER ORTIZ: Casings, bullets, victims, property damage, vehicle strikes, building strikes, witnesses.

SR. INV. CARPENTER: Do you determine the crime scene?

OFFICER ORTIZ: We--we do sometimes. We either can shrink it down or we can expand it, depending on what the scene is.

SR. INV. CARPENTER: Is that your--is that your call?

OFFICER ORTIZ: Yes.

SR. INV. CARPENTER: Is that CSI's call?

OFFICER ORTIZ: Yes.

SR. INV. CARPENTER: To either shrink or expand--shrink--

OFFICER ORTIZ: Yes.

SR. INV. CARPENTER: Or expand the crime scene?

OFFICER ORTIZ: We have. Yeah we can. I've--I've personally never done it. I've always left it at the scene. I may have even expanded but never shrunk.

DPA ATTY. THOMPSON: Can you explain what inner and outer perimeters are?

OFFICER ORTIZ: So, like a inner perimeter--this is our scene.

DPA ATTY. THOMPSON: Which is--you're pointing to the--

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OFFICER ORTIZ: To your phone.

DPA ATTY. THOMPSON: The phone.

SR. INV. CARPENTER: You're [UNINTELLIGIBLE]--

OFFICER ORTIZ: So I'm going to say inside of your phone is our scene, okay? So outside that phone, all this is outer perimeter. This is our inner perimeter.

SR. INV. CARPENTER: Okay. So the case--so the recording device that we have is an iPod Touch.

OFFICER ORTIZ: Hm-hmm.

SR. INV. CARPENTER: With the casing. So the case would be the outer perimeter?

OFFICER ORTIZ: Outer perimeter.

SR. INV. CARPENTER: And then the iPod Touch would be the inner perimeter.

OFFICER ORTIZ: Inner perimeter.

DPA ATTY. THOMPSON: And what's the purpose of establishing the two?

OFFICER ORTIZ: So your inner perimeter, you want to secure. So that's where all your evidence is gonna be collected and processed. So the outer perimeter's--may be for--I'm not sure. I don't--I really don't know why we--should just be one scene but--

SR. INV. CARPENTER: Is it so things don't get contaminated if people are walking in--

OFFICER ORTIZ: I think it's--I think it's more for like--like OCC comes to scenes like that and they want to do a walk-through for--which--I--I personally don't feel like anybody should be walking through the scene. However, it's policy and

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it is what it is and I'm nobody to determine that so--people do come and for that reason I think that's why we have that outer--within the inner perimeter, they're not allowed to go in it.

SR. INV. CARPENTER: Who is allowed in the inner perimeter?

OFFICER ORTIZ: CSI.

SR. INV. CARPENTER: Only?

OFFICER ORTIZ: Well, like the investigator, like, Homicide would be allowed to go in there. But that's--it's pretty--I mean, it's not like the whole Homicide team. It's one person that's assigned to it is allowed to be in there.

SR. INV. CARPENTER: Would that be like a Lieutenant?

OFFICER ORTIZ: Not necessarily. Could be the--actual investigator. But the Lieutenant does show up.

SR. INV. CARPENTER: And so you guys arrive as a team of three to major crime scenes?

OFFICER ORTIZ: Four.

SR. INV. CARPENTER: Okay--

OFFICER ORTIZ: Oh, three. Three, three. For on-call?

SR. INV. CARPENTER: Right.

OFFICER ORTIZ: This scene--was four of us.

SR. INV. CARPENTER: Okay. So the--for the incident on March 6th, 2018?

OFFICER ORTIZ: Hm-hmm.

SR. INV. CARPENTER: It was three of you?

OFFICER ORTIZ: Four.

SR. INV. CARPENTER: Four of you?

OFFICER ORTIZ: Yes.

SR. INV. CARPENTER: So what would be the difference between

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a three team CSI and--

OFFICER ORTIZ: Three is more of like an on-call call-out. This wasn't a call. This was during work hours.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: So we would--everybody that was working that night responded.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Let me--I'm sorry. I'm gonna just get that right. I want--

SR. INV. CARPENTER: Oh, yeah.

OFFICER ORTIZ: Sure have.

DPA ATTY. THOMPSON: Refer to your--

OFFICER ORTIZ: I just want to make sure that, yeah. Yeah. All four of us responded.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Yeah.

DPA ATTY. THOMPSON: And what are you looking for with the victims?

OFFICER ORTIZ: Injuries. Information. Whatever they can say to us, if they--I've never--since I've been in the unit, did--anything with a victim. They're usually gone by the time I get there.

DPA ATTY. THOMPSON: Oh. I was like, would you take pictures?

OFFICER ORTIZ: We do. Yeah. So like we'll respond to the hospital. Or most of the time they're gone. The ambulance takes them to be treated and--sometimes we have to respond in to the hospital, take photos of them. Of their injuries. Whatever

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it be.

SR. INV. CARPENTER: And what are the normal hours for CSI?

OFFICER ORTIZ: I believe 6 to midnight.

SR. INV. CARPENTER: 6 a.m. to midnight?

OFFICER ORTIZ: Hm-hmm. And then on-call for midnight to 6.

SR. INV. CARPENTER: Are we done with the background portion?

DPA ATTY. THOMPSON: Yes.

SR. INV. CARPENTER: Okay. We're gonna discuss now the--the incident that occurred on Capp Street.

OFFICER ORTIZ: Okay.

SR. INV. CARPENTER: How many hours of sleep did you get the previous night?

OFFICER ORTIZ: I sleep pretty good, actually, so maybe about eight or nine hours. [LAUGH]

SR. INV. CARPENTER: What time did you start your shift?

OFFICER ORTIZ: Two o'clock.

SR. INV. CARPENTER: P.M.?

OFFICER ORTIZ: P.M. Yes.

SR. INV. CARPENTER: And so your hours are from 2 p.m. to--

OFFICER ORTIZ: Midnight.

SR. INV. CARPENTER: Midnight? Or they were that night?

OFFICER ORTIZ: No, that's my normal hours.

SR. INV. CARPENTER: Those are your normal hours?

OFFICER ORTIZ: Yeah, yeah.

SR. INV. CARPENTER: Did you have prior experience with Officer Gamboa?

OFFICER ORTIZ: Prior experience?

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SR. INV. CARPENTER: Yeah, have you worked--

OFFICER ORTIZ: [UNINTELLIGIBLE]

SR. INV. CARPENTER: Like with--

OFFICER ORTIZ: Yeah, yeah.

SR. INV. CARPENTER: Sorry, Gamboa, Barr, and Simpson, is that your team of--

OFFICER ORTIZ: That was my team for that--

SR. INV. CARPENTER: Your team?

OFFICER ORTIZ: yeah.

SR. INV. CARPENTER: Okay. And is that your normal team?

OFFICER ORTIZ: No. Now, I have a completely different team. So, yeah, every six months it changes. But usually we keep at least half of that team. Like Gamboa and myself, we work together for about maybe three years, maybe, of the time I've been in the unit. Simpson and Barr were new to my team.

DPA ATTY. THOMPSON: Who was the senior officer?

OFFICER ORTIZ: Gamboa. On this case, though, was my case so--I was senior.

SR. INV. CARPENTER: You were senior? And what are the responsibilities of the senior officer?

OFFICER ORTIZ: Boss everyone--no. No. [LAUGH] I'm joking. Basically to--you assign kind of what you want have done, who's gonna do it. The--on this night I--kind of--it was my case so I--it was my documentation to do--my report to do. I assigned people to do photographs. Somebody to do measurements. Somebody to do video. You know, just everybody gets an assignment basically. And it's--the senior person's job to do that.

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SR. INV. CARPENTER: Okay. And other than assigning tasks, what tasks did you have that night?

OFFICER ORTIZ: To basically document the scene, to process it, make sure everything gets documented, collected, make sure photos are taken, diagrams are done, notifications are made.

SR. INV. CARPENTER: To who? To whom?

OFFICER ORTIZ: To our Lieutenant, to anyone else that I feel need to be there at that scene which by the time I got there everybody was there so--

DPA ATTY. THOMPSON: What time did you arrive on the scene, if you can recall?

OFFICER ORTIZ: I have it written down. About 23:40 we arrived. So 11:40.

SR. INV. CARPENTER: And how were you notified?

OFFICER ORTIZ: By DOC.

SR. INV. CARPENTER: DOC?

OFFICER ORTIZ: Yeah. Department of Operations Center.

SR. INV. CARPENTER: And where were you when you were notified?

OFFICER ORTIZ: In our office.

SR. INV. CARPENTER: And what were you told?

OFFICER ORTIZ: That an Officer Involved Shooting had occurred. That--on Capp Street and that they wanted us to come out and process it.

SR. INV. CARPENTER: [UNINTELLIGIBLE] you were?

DPA ATTY. THOMPSON: And were you given a briefing when you arrived on the scene?

OFFICER ORTIZ: A walk-through?

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DPA ATTY. THOMPSON: A walk-through. Brief--

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Yes.

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Do you remember by who?

OFFICER ORTIZ: I don't. Here. Can I refer--

DPA ATTY. THOMPSON: Yes.

SR. INV. CARPENTER: Of course.

OFFICER ORTIZ: Don't see [UNINTELLIGIBLE, READING]-- Lieutenant Banta. And Officer [Britherus]? [UNINTELLIGIBLE] B-U-T-H-E-R-U-S. They walked us through the scene.

SR. INV. CARPENTER: And is there a time requirement for CSI to respond to a crime scene? Do you guys have a--

OFFICER ORTIZ: Well, depending on what--what is the scene. Like Homicide, it's immediately, you know. It's something like this, immediately. But we were right there. There's a four-hour window for us to respond to process our scene like that. But normally it's immediately.

SR. INV. CARPENTER: For major crimes?

OFFICER ORTIZ: Major crimes.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Yes.

SR. INV. CARPENTER: So did you speak to Lieutenant Banta and Sergeant Barr--or Officer Barr--

OFFICER ORTIZ: Yeah.

SR. INV. CARPENTER: [UNINTELLIGIBLE]

OFFICER ORTIZ: Yeah.

SR. INV. CARPENTER: Did you speak to them about the crime

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scene?

OFFICER ORTIZ: Yes. They walked us through the scene, basically.

SR. INV. CARPENTER: And with the walk-through, did they point to locations? Like how does that work with the walk-through? Are they informing you as they walk you through the scene?

OFFICER ORTIZ: Kind of like pointing out casings, body--whatever it be--at the scene. You know what I mean? It's kind of like a--we kind of see it for ourselves? You know, so we kind of see what the evidence is also. But they're also coming in. This casing over here in the corner that you may not have seen as we're walking over here. Oh, there's a--bullet strike over here in this building line. You know.

DPA ATTY. THOMPSON: Do you have to activate your body-worn cameras?

OFFICER ORTIZ: No. But that's changing. We will be doing it now for, I guess, our new policy stated for us to start activating it for our scenes now. Before we were not.

DPA ATTY. THOMPSON: Required to do so?

OFFICER ORTIZ: We were not required to do so.

DPA ATTY. THOMPSON: So when would you use your BEC?

OFFICER ORTIZ: In our unit? We don't unless we're interacting with somebody.

DPA ATTY. THOMPSON: With the public?

OFFICER ORTIZ: Yeah. But we're not generally interacting in a--we're going to process your house or something like that, I'm not gonna record you while I'm in your house, processing

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your scene. So that's--we don't use it for that.

DPA ATTY. THOMPSON: Okay.

SR. INV. CARPENTER: On your arrival, who was in charge of the crime scene?

OFFICER ORTIZ: I would say Lieutenant Banta.

SR. INV. CARPENTER: Okay. And we discussed Officer Simpson, or your team of three or four--you were part of the team of four.

OFFICER ORTIZ: Yeah.

SR. INV. CARPENTER: And they were the ones who had helped you process the scene? Is that correct?

OFFICER ORTIZ: Correct.

SR. INV. CARPENTER: Okay. And do you recall their roles, each of their roles, at the crime scene?

OFFICER ORTIZ: Can I refer back?

SR. INV. CARPENTER: Yes.

OFFICER ORTIZ: [UNINTELLIGIBLE] but I believe--I was primary. And believe Officer Barr was my photographer. Simpson was kind of like my--helper, kind of putting down cones with me, going over the scene again, confirming what I'm documenting as each cone. Gamboa, I believe she went and took photos of the officers. [UNINTELLIGIBLE] at the scene. Officer Barr took photos at the scene, used [UNINTELLIGIBLE] camera. And he did photos. Photos. So they--Simpson and Gamboa numbered the scene. Barr took photo and video, apparently. And they--she did respond to Mission Station to take photos of the involved officers. And collected Department firearms and body-worn cameras. That was Simpson and Gamboa and the Lieutenant Devlin.

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SR. INV. CARPENTER: Do you recall where the outer perimeter of the crime scene was?

OFFICER ORTIZ: No.

SR. INV. CARPENTER: Who was manning the inner perimeter of the crime scene?

OFFICER ORTIZ: There was uniformed officers all around it. Believe I actually--believe--Barr and I went in and set up a red tape which is our inner perimeter when we got there. [UNINTELLIGIBLE] that--the hold up. Because when Barr and I cordoned off the inner perimeter with scene, the crime scene tape, yep.

SR. INV. CARPENTER: And why did you guys do that?

OFFICER ORTIZ: Lot of people were walking on that outer part. And I didn't want my inner scene contaminated. And being that's my crime scene, I wanted to shut it down as to who comes in and who goes out.

SR. INV. CARPENTER: So with the red tape, did you make the crime scene smaller?

OFFICER ORTIZ: No. It was kind of like almost on the--outskirts, so it--basically, you know, not in my scene at all.

SR. INV. CARPENTER: So you had inner perimeter crime scene tape. And then you had the red tape a little bit outside of the red?

OFFICER ORTIZ: So, no. My red tape is the inner.

SR. INV. CARPENTER: Okay. So your red tape is the inner?

OFFICER ORTIZ: That's it.

SR. INV. CARPENTER: And then where's the yellow tape?

OFFICER ORTIZ: On the outside.

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SR. INV. CARPENTER: On the outside?

OFFICER ORTIZ: Yeah. 'Cause basically more for--I'm going to say, for people--civilian and stuff to walk through it, or--you know, they're not supposed to be out there and walking through it.

DPA ATTY. THOMPSON: Now where--

OFFICER ORTIZ: The red tape is the--

DPA ATTY. THOMPSON: Go ahead.

OFFICER ORTIZ: Lost my thought. [LAUGH]

DPA ATTY. THOMPSON: My apologies.

OFFICER ORTIZ: It's all right.

DPA ATTY. THOMPSON: Now what about the crime scene log? Where is that kept at?

OFFICER ORTIZ: There's an officer that's assigned by the station--or District station, wherever--that's there and they're documenting that, logging anybody that's in or exiting the crime scene. I don't--have anything with that, though.

SR. INV. CARPENTER: So you don't manage the crime scene log?

OFFICER ORTIZ: No.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: And are they outside of the inner perimeter? Inside of the outer perimeter? [LAUGH] [UNINTELLIGIBLE]

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: Yes. So the inner perimeter, right, and they're--in this yellow part. Between the yellow and the red.

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DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: Not in the red.

DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: So red, you're not going in. Basically.

DPA ATTY. THOMPSON: No one.

OFFICER ORTIZ: No one except CSI, maybe Homicide.

DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: But no one else should be in that scene.

SR. INV. CARPENTER: So you don't sign into this--the crime scene logs?

OFFICER ORTIZ: Oh, yeah. We do. We don't sign in. They--they take our information.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Soon as we get--so when we get there, first person we meet is with the log person. They take our information. Then we do our walk-through.

DPA ATTY. THOMPSON: Is the inner perimeter already established or do you help establish that?

OFFICER ORTIZ: We help establish that. Yeah. Sometimes it is established at a scene. You know, depending how--I guess it--depending on--the scene.

SR. INV. CARPENTER: Oh, for this particular scene?

OFFICER ORTIZ: They--left it generally for us to determine that, as to where we're gonna process and go in there.

DPA ATTY. THOMPSON: And you might have said this already but what was your inner perimeter, to narrow it down?

OFFICER ORTIZ: It was basically tracing the yellow area. It was--it was within walking space, it was around there, but I

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believe we kept it pretty much to what it was. It was just a little tighter in.

SR. INV. CARPENTER: And you take pictures?

OFFICER ORTIZ: Hm-hmm. Photos.

SR. INV. CARPENTER: Of the crime scene. Photos of the crime scene?

OFFICER ORTIZ: Photos, videos. I didn't. Barr, Officer Barr did.

DPA ATTY. THOMPSON: So between 20th and 21st, Capp Street, right? That was your inner perimeter.

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: That whole block.

OFFICER ORTIZ: Well, wasn't that far down.

DPA ATTY. THOMPSON: That far down.

OFFICER ORTIZ: But it was--it was more towards the--I'm going to say the north side of the street. To at least mid-block almost.

DPA ATTY. THOMPSON: And did you have the patrol cars remain where they were?

OFFICER ORTIZ: Everything stayed as is. When I arrived, everything stayed. If you were in my scene, it stayed there.

DPA ATTY. THOMPSON: And as the senior officer, this being your case, you would have the say of when--when things can be removed from the scene. Is that right?

OFFICER ORTIZ: Yes. Yes.

SR. INV. CARPENTER: Who should wear gloves on a crime scene?

OFFICER ORTIZ: Everyone. If you're within that scene, you

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should be having gloves on. So.

DPA ATTY. THOMPSON: When do you put your gloves on?

OFFICER ORTIZ: I--I--100 percent immediately try to put it before I walk into it. Doesn't happen sometimes. And they on--just the whole--I mean, if I'm just walking through with my note clips and I'm not--going to put cones down at that time, I may not have my gloves on. But most of the times I do. I try to.

SR. INV. CARPENTER: And what's the significance of wearing the gloves?

OFFICER ORTIZ: So you're not putting your DNA basically on any evidence or that--but if you're not--yeah.

SR. INV. CARPENTER: Okay. So you did the walk-through. You put down the cones. What did you do next? Or you put the red tape around the--

OFFICER ORTIZ: Right.

SR. INV. CARPENTER: The [UNINTELLIGIBLE]--

OFFICER ORTIZ: Red tape up--and then I started documenting.

DPA ATTY. THOMPSON: What do you put the cones on for?

OFFICER ORTIZ: Evidence.

DPA ATTY. THOMPSON: Which--what is the evidence in this matter that you put the cones on?

OFFICER ORTIZ: Casings. Fragments. Strikes.

DPA ATTY. THOMPSON: Can you explain fragments and strikes? Fragments of what?

OFFICER ORTIZ: Of--the bullets. Strikes. So like that scratch on the wall there? Kind of like something that might hit the wall. Maybe a bullet. Like--I'm going to say ricochet kind of? Okay? Ricocheting off a building or a car or

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whatever. Anything that's in that scene that's pertaining to--that we're collecting.

SR. INV. CARPENTER: What steps did you take to process the scene? Did you make a plan?

OFFICER ORTIZ: So as we do our walk-through, I'm kind of looking at the scene, seeing what we have. And it was--kind of a long scene. We walk through and as we're walking through, I'm kind of making my notes on my sheets and I'm also mental notes in my mind who's going to be doing what? Who's probably better to do this assignment for me. And then we go back, bring my whole team back to the truck with me, and we get our stuff and I say, "You're gonna do this. You're gonna do that. You're gonna do this."

SR. INV. CARPENTER: Was the crime scene sketch created?

OFFICER ORTIZ: Yes.

SR. INV. CARPENTER: By whom?

OFFICER ORTIZ: Let me look back. I want to say it was Kellogg and--Kellogg and Officer Juco.

SR. INV. CARPENTER: And why is the crime scene sketch important?

OFFICER ORTIZ: It's to show where everything is, aside of photos and diagrams, it's--I mean, photos and video. Some additional tools to show where everything's at.

DPA ATTY. THOMPSON: Now you didn't men--were Kellogg and Juco?

OFFICER ORTIZ: Hm-hmm.

DPA ATTY. THOMPSON: Officers Kellogg or, sorry, I don't know the--

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OFFICER ORTIZ: Officers [UNINTELLIGIBLE]. Yes.

DPA ATTY. THOMPSON: Officers Kellogg and Juco, were they part of--are they part of CSI or--

OFFICER ORTIZ: They're part of CSI.

DPA ATTY. THOMPSON: And they responded later in addition to the team?

OFFICER ORTIZ: I called them out after--well, after we did our walk-through and I saw the scene, and the length of--I was going to have Officer Simpson do the diagram. And I decided it was too large of a scene and I wanted to have it more detailed so we decided rather than do it a hand-drawn diagram, we're going to do a scanning of it. Which is very detailed.

SR. INV. CARPENTER: Do you have any written notes?

OFFICER ORTIZ: I do.

SR. INV. CARPENTER: Can we have a copy of those notes?

OFFICER ORTIZ: Think you can request it from CSI. I guess, or however you guys go about getting. Should be in my report.

SR. INV. CARPENTER: Did any officer tell you that they moved items in the crime scene?

OFFICER ORTIZ: Moved items? I--don't recall anyone saying that they moved--I don't recall that.

SR. INV. CARPENTER: Would you have documented that in your report?

OFFICER ORTIZ: I think I would have documented it, yeah. Yeah. I would have documented.

SR. INV. CARPENTER: Did any of the officers at the crime [COUGHING IN BACKGROUND] inform you that they searched the area for evidence prior to your arrival?

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OFFICER ORTIZ: I'm sorry. Say it again.

SR. INV. CARPENTER: That they searched for evidence prior to your arrival?

OFFICER ORTIZ: Generally, I believe they did, yeah.

SR. INV. CARPENTER: And did they notify you?

OFFICER ORTIZ: Of what they found or if anything was found, yes.

SR. INV. CARPENTER: And then you would send the CSI--officer to that location? Or that area?

OFFICER ORTIZ: So--and this gets here. So there was a--I believe it was a bullet that was found on a ledge on the second story building right on the landing area. One of the officers found that. They notified me there's a bullet up there and it's part of our scene now. Does that answer?

DPA ATTY. THOMPSON: Yes.

OFFICER ORTIZ: Okay.

DPA ATTY. THOMPSON: [COUGHING IN BACKGROUND] How did you process the Honda Civic?

OFFICER ORTIZ: How did I process it?

DPA ATTY. THOMPSON: Or your team, if you didn't.

OFFICER ORTIZ: I did not process it. We--the officers--I think photographed it and videoed. I believe we may have put labels on it to show maybe some strikes of--for--but I believe the vehicle itself was towed. And processed by another officer.

DPA ATTY. THOMPSON: And who did you say photographed it?

OFFICER ORTIZ: Barr. [UNINTELLIGIBLE] Barr.

SR. INV. CARPENTER: The Honda was taken to the CSI lot.

OFFICER ORTIZ: Yes. Yes.

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SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Yes, it was towed after.

SR. INV. CARPENTER: So the CSI officers that respond to the actual scene are not the ones who would process a vehicle at the lot?

OFFICER ORTIZ: So there's a separate officer that processes vehicles.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: So they have--so we process it as far as photographing it at the scene, as is. What's there, so say it--a gun, we recover it from the vehicle. Its location, photographed, videoed, measured for the diagram. Once all that stuff is collected, it's now towed and then he further processes the vehicle. Within the vehicle maybe finding casings, bullets, trajectory on the strikes that came into the vehicle.

SR. INV. CARPENTER: And was the patrol vehicle, the number one car that was up front, was it towed to the CSI lot?

OFFICER ORTIZ: I--I honestly don't know.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: I would--I would--would think it would if it--had damage to it or--I--I don't know.

SR. INV. CARPENTER: Do you determine what gets towed or sent to the--

OFFICER ORTIZ: That's up to Homicide.

SR. INV. CARPENTER: Homicide?

OFFICER ORTIZ: Whoever the investigator is of the--

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Case, determines what's getting towed.

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SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: But your role in processing the Honda Civic, or your team's role in processing the Honda Civic was to get the casing or the fragments that you saw inside. Then it would further be analyzed and--

OFFICER ORTIZ: Not inside.

DPA ATTY. THOMPSON: Not inside?

OFFICER ORTIZ: We didn't go in the vehicle as far as--like going fully through the vehicle.

DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: What was in sight for us, you know, and were able to see clearly, yeah, there's a gun right here. There is a bullet right here. That stuff we marked and collected at the scene. Photographed, documented, videoed. Then once it's towed, they further process the vehicle.

SR. INV. CARPENTER: Okay. I have a question regarding the firearm? Did you do that report? Or would you be able to--answer some questions.

OFFICER ORTIZ: I just did--I want to say I did--shit, I don't [UNINTELLIGIBLE] that one. I--can't recall much, if I did the gun or not.

DPA ATTY. THOMPSON: And how would that go with [UNINTELLIGIBLE] the firearms? You would just process each one individually? And then--would it go down to the crime lab to ballistics or would you--how does that work?

OFFICER ORTIZ: So it's processed by--each one is individual processed. So. And on a case when we have several firearms, we may have split it up, have--you'll do a gun, you'll do a gun.

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I'll do a gun. And everybody's documenting the full process of the scene, of the gun itself, and what their findings. So any-- any gun reports basically are gonna be in the report. In the folder.

SR. INV. CARPENTER: So I have a copy of--the firearm information report.

OFFICER ORTIZ: Okay.

SR. INV. CARPENTER: First on number 253. So my question is, then--here, you can have a copy of that.

OFFICER ORTIZ: Okay.

SR. INV. CARPENTER: So we're trying to determine, based on this report, how many bullets were actually fired. So, and then [UNINTELLIGIBLE]--

OFFICER ORTIZ: How many were fired?

SR. INV. CARPENTER: Right. So in the notes in Additional Items, booked--or with firearm? It says, like, magazine in well, and then it--and in parentheses it has a number. Do you see that [UNINTELLIGIBLE]--

OFFICER ORTIZ: This side of--right here, down here? You talking about that?

SR. INV. CARPENTER: Yeah.

OFFICER ORTIZ: Yeah.

SR. INV. CARPENTER: Right here?

OFFICER ORTIZ: Oh, oh, I'm--I'm. Magazine in well. Okay.

SR. INV. CARPENTER: And then it has like "magazine fed weapons" and then "chamber loaded" and then "magazine number 11 cartridges" and then "24". What does that mean?

OFFICER ORTIZ: Magazine in well. 11. So the magazine

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that's in your gun, usually have 12 in there with one also topping. So 13 on your first magazine.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Spare mag at 12. That's a normal magazine, fully loaded magazine. Spare mag 2. That's [U}. That doesn't say anything as to what--what was in it. Spare mag 2--zine, I don't know. What was in the magazine in the firearm was 11 in the magazine and it was loaded, which gives us 12. So--either he did a mag change or he only had 12 in his magazine. 12, 24. That doesn't make sense. I don't understand that.

SR. INV. CARPENTER: You don't understand that?

OFFICER ORTIZ: Well, I don't understand why I put 24. He had 11 here. 11 and 1 does not equal 24. That's it.

SR. INV. CARPENTER: No.

OFFICER ORTIZ: I--yeah, it's--

SR. INV. CARPENTER: So is it based on the spare mag?

OFFICER ORTIZ: Well, that would be a separate--this is magazine fired from weapon within--I don't know. I--I--that's not how I would do it. So I don't know. I can't speak for that.

SR. INV. CARPENTER: So your name is on here.

OFFICER ORTIZ: Right. So. This is the officer that processed it.

SR. INV. CARPENTER: Okay. Officer Simpson.

OFFICER ORTIZ: And I'm--the senior person and that's part of the same--

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Part of the investigation. So being the

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senior person, he puts me down, I guess.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: But I can't speak as to why he will--I--

SR. INV. CARPENTER: So what does that make--

OFFICER ORTIZ: This is--

SR. INV. CARPENTER: Supposed to provide for a sight. What does that tell us?

OFFICER ORTIZ: This is telling you what was in this--at the time.

SR. INV. CARPENTER: In your magazine?

OFFICER ORTIZ: What's connected to this--to the weapon. The magazines that's in it, not the additional counts.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: That could have been documented here. Which it looks like he did.

SR. INV. CARPENTER: [OVERLAPPING] In the--in the--

OFFICER ORTIZ: In the notes.

SR. INV. CARPENTER: In the notes.

OFFICER ORTIZ: Right. But this should have been--

SR. INV. CARPENTER: The magazine--

OFFICER ORTIZ: Just the 11.

SR. INV. CARPENTER: Fed weapon should have just been--

OFFICER ORTIZ: The 11, total cartridges.

SR. INV. CARPENTER: Number 11 out of 12.

OFFICER ORTIZ: Out of 12 or--

SR. INV. CARPENTER: Or 13.

OFFICER ORTIZ: Or 13, depending on what was done there.

SR. INV. CARPENTER: Okay.

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OFFICER ORTIZ: I can't speak to--

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: So you're saying one's in the chamber, 11 are in the magazine.

SR. INV. CARPENTER: Twelve?

DPA ATTY. THOMPSON: Twelve, right?

OFFICER ORTIZ: On your initial?

DPA ATTY. THOMPSON: Yes.

OFFICER ORTIZ: Right? Right, like right now, I have 13.

DPA ATTY. THOMPSON: Thirteen, right? Okay. One [UNINTELLIGIBLE]--

OFFICER ORTIZ: But you're spare you have 12.

DPA ATTY. THOMPSON: In the magazine.

SR. INV. CARPENTER: In the magazine.

OFFICER ORTIZ: In the magazine. Yes.

DPA ATTY. THOMPSON: Okay.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Yes. So I'm topped off with one.

DPA ATTY. THOMPSON: That's why you said that you can't really tell if he used--

OFFICER ORTIZ: Yeah. I--I don't know if he fired them or I don't know 'cause it doesn't--

SR. INV. CARPENTER: It's not clear.

OFFICER ORTIZ: To me it's not so--I can't--you'd have to ask Officer Simpson.

DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: [LAUGH] Sorry.

DPA ATTY. THOMPSON: And you--then officer usually carries

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two extra magazines.

OFFICER ORTIZ: Correct.

DPA ATTY. THOMPSON: That are loaded with 12.

OFFICER ORTIZ: Correct. Yes.

DPA ATTY. THOMPSON: Well, that's--

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: Yes.

OFFICER ORTIZ: Yes.

DPA ATTY. THOMPSON: And may the record reflect that Officer Ortiz, when he was pointing, he was pointing to that was his firearm. His Department-issued firearm, for illustration purposes.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Sorry.

DPA ATTY. THOMPSON: Thank you.

SR. INV. CARPENTER: Because we were having difficulties as well.

OFFICER ORTIZ: Well, yeah, I--I don't know why he kind of documented that like that. It's kind of--

SR. INV. CARPENTER: Okay. So we'll have to ask him.

OFFICER ORTIZ: Confusing. I don't understand that.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: I wouldn't--I wouldn't document it that way. I mean, it's--it--while I'm understanding what he did there, it's kind of showing that total cartridges he collected, 24, but it doesn't determine how--what was in the actual--

DPA ATTY. THOMPSON: Weapon.

OFFICER ORTIZ: Weapon. And that's what we want to know.

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SR. INV. CARPENTER: Okay. How do you determine how many bullets were fired at the suspect--or at the--whatever. How many bullets were fired?

OFFICER ORTIZ: Based on what's collected. Also when we collect their weapons, we do a--a count. And like I said, we should have 13 from the original. And then these two extra mags should be 12. So we go off of that.

SR. INV. CARPENTER: Okay. And that's how you can count how many--

OFFICER ORTIZ: And then we also--

SR. INV. CARPENTER: Were fired. Or--

OFFICER ORTIZ: Count what's at the scene. You know?

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: But from that.

SR. INV. CARPENTER: And is it--

OFFICER ORTIZ: And we put all our numbers together.

SR. INV. CARPENTER: And at--is that documented somewhere?

OFFICER ORTIZ: It's documented on the firearm sheet as to what's in each weapon. Rounds that we collected are--you know, are evidence, they just--yes.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: So.

SR. INV. CARPENTER: But there's no total, you have to total--how do you determine which shells were--which casings go to which firearm?

OFFICER ORTIZ: Based off of the marks but, I mean, that could be anyone's marks so--you know. It's--it's--based off of what we have on that sheet, what we collect from--from the gun

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itself, is what we count, basically.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Okay?

SR. INV. CARPENTER: It makes sense.

OFFICER ORTIZ: And--

DPA ATTY. THOMPSON: It makes sense like if we were to take this one and let's just say we're just using a hypothetical. And when I said, what did I mean, it's already in his holster and secure, so just for the record.

OFFICER ORTIZ: Oh, yeah. [LAUGH]

DPA ATTY. THOMPSON: [UNINTELLIGIBLE] Yeah, yes. [LAUGH] So on this--this example of one of the firearm example information reports.

SR. INV. CARPENTER: Star number 253.

DPA ATTY. THOMPSON: Star number 253. We can assume that maybe it's a good guess that this person fired all 13 rounds. We only have 24, basically--

OFFICER ORTIZ: Total.

DPA ATTY. THOMPSON: Total.

OFFICER ORTIZ: Yeah.

DPA ATTY. THOMPSON: Cartridges--

OFFICER ORTIZ: Yeah.

DPA ATTY. THOMPSON: Left. It's already a full loaded--fully loaded gun with you're using your extra cartridge and there's one--that was--associated with this firearm. Is that what you can tell from this? Or--would that be a good inference, maybe? Assuming they didn't fire on their own firearm--

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OFFICER ORTIZ: I'm sorry. You lost me.

DPA ATTY. THOMPSON: Yeah.

OFFICER ORTIZ: I kind of dazed out. [LAUGH] [UNINTELLIGIBLE]

DPA ATTY. THOMPSON: Yeah. No, no, no.

SR. INV. CARPENTER: So the [UNINTELLIGIBLE]--

OFFICER ORTIZ: Based off of this sheet, and again I'm not gonna--I can't say what he did, how he did it, and why he did it, but--nonetheless he put down 24. I would specifically put what's in my magazine from the gun that collected. My notes here would have stated two magazines with 12 cartridges in them each. Here would have stated, loaded with 12 cartridges here. How he did it, I--I--I can't.

SR. INV. CARPENTER: Okay. And he has 11 in the well. Spare mag 1 with 12. And then spare mag 2 at scene.

OFFICER ORTIZ: Spare mag 2 at scene. And at--I'm not sure what that refers to.

SR. INV. CARPENTER: Right. Because it doesn't have like a number 12--

OFFICER ORTIZ: Right.

SR. INV. CARPENTER: Or--

OFFICER ORTIZ: Spare mag 2 at scene. Yeah. It--and--like myself, I would have probably marked that as--if this was a magazine that was found at the scene, be it empty, be it fully--

SR. INV. CARPENTER: Right.

OFFICER ORTIZ: Marker whatever was at the scene.

SR. INV. CARPENTER: Oh, I see.

OFFICER ORTIZ: You understand? So we refer back to that

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and then at that time when we looked back on our evidence page, now it's been broken down, what was in that magazine and how much we collected.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: Yeah.

SR. INV. CARPENTER: Okay. So maybe it is on the marker at the scene then.

OFFICER ORTIZ: Yeah. Yeah. It's very possible--

SR. INV. CARPENTER: Just not--don't know which--

OFFICER ORTIZ: I'm--I can't fully recall but it--

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: I'm sure if I looked at my notes, I could find it.

SR. INV. CARPENTER: [U}

DPA ATTY. THOMPSON: [UNINTELLIGIBLE] Oh, I'm sorry. Do you know what you did on the scene in particular with regards to evidence collecting and processing?

OFFICER ORTIZ: [LAUGH] I--I documented it. I--

DPA ATTY. THOMPSON: Do you recall particular items that you actually processed?

OFFICER ORTIZ: [NOISE] A lot of it. I know we did--we did kind of like a--like it's something like this so I usually get my team together, [UNINTELLIGIBLE] people that were at the scene, and we all go down together to book the process--to book it all. Maybe one person's photographing it, again, as--of what we each item, what it was at the scene. More like the cartridges, the casings, maybe a closer-up look on the stamps of each casing. We collected--back to your question. I'm sorry.

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We--you asked me what I did. I documented it. I collected.

DPA ATTY. THOMPSON: But which items do you recall?

OFFICER ORTIZ: Probably all of it.

DPA ATTY. THOMPSON: All of it? What--what [UNINTELLIGIBLE]--

OFFICER ORTIZ: Most of--everything from 1 through [LAUGH] 89.

DPA ATTY. THOMPSON: And that is in your report? On this incident?

OFFICER ORTIZ: Correct.

SR. INV. CARPENTER: Did you put the evidence that you collect in plastic bags? Like how do you--

OFFICER ORTIZ: They're placed--they're placed in a--like paper--like a paper bag envelope--

SR. INV. CARPENTER: Paper bags--

OFFICER ORTIZ: Kind of, each one, individual. And then from there, well, like I was mentioning earlier, we bring it back to the--to the Hall and it's now processed again as far as a closer inventory of it, where we're now marking what the calibers are, would be--the stamp that's on it. What it is. Taking photographs of it up close. And each one is being placed in a--a zip guy kind of--like a--like a plastic baggy, reusable plastic baggy. And then booked.

DPA ATTY. THOMPSON: And where is it booked or stored this late at night?

OFFICER ORTIZ: That night--

DPA ATTY. THOMPSON: What do you do with the evidence that you collect, after you--

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OFFICER ORTIZ: That's--it's all placed in our--our locker rooms downstairs until the following day and then we process it. That night, I went home about maybe 8 something in the morning so--[LAUGH] almost 9. So I kind of went home and--went to sleep and came back to work the next day. And then we started--

DPA ATTY. THOMPSON: Can you explain what "processing" means?

OFFICER ORTIZ: So again, we kind of take out all the evidence. If there's--say, for instance, there's bloody clothing that we collected. We would hang that to kind of dry, let that dry and once it's fully dried then we're able to photograph it. If we need to collect DNA samples from it for whatever, or if there's bullet fragments on there, we collect that and photograph where it's at. The casings--we would photograph that. Kind of put it like in the order of what markers were. I think [UNINTELLIGIBLE].

DPA ATTY. THOMPSON: Yes.

OFFICER ORTIZ: I run downstairs real quick or you guys close or--

SR. INV. CARPENTER: Hm-hmm. So we're close.

OFFICER ORTIZ: Okay. I'll--I'll just stay up here.

SR. INV. CARPENTER: Okay.

OFFICER ORTIZ: I was [UNINTELLIGIBLE] but, yeah.

DPA ATTY. THOMPSON: Okay.

OFFICER ORTIZ: The--I'm sorry, what was I--

DPA ATTY. THOMPSON: Just the whole processing, like what does it entail and if you can just apply it to what you did in this case so you booked or not even booked. You processed and

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you bagged up evidence, items 1 through 89 in your report.

OFFICER ORTIZ: Right.

DPA ATTY. THOMPSON: Most of that.

OFFICER ORTIZ: Hm-hmm, hm-hmm.

DPA ATTY. THOMPSON: What did you do at the scene after you collected the evidence, what did you do with that--

OFFICER ORTIZ:` That was placed in our vehicle. We transported it back to the Hall. We placed it in a locker. And I went home.

DPA ATTY. THOMPSON: And then what happened? Did you go back and look at the evidence?

OFFICER ORTIZ: Yes. Went and looked--

DPA ATTY. THOMPSON: When was that processed?

OFFICER ORTIZ: Following day we--we came back in and I believe we did the casings because we wanted to find out kind of how many were fired and stuff like that. To comparison kind of thing. And we got all the casings out. All the bullets. Everything out and put them in the order of what they were at the scene, the markers. All in their individual bags still. Then we opened each one individually, photographed it. Labeled it. And re-packaged it in to be booked.

SR. INV. CARPENTER: [UNINTELLIGIBLE] Is there any other statement relevant to this incident you wish to make at this time?

DPA ATTY. THOMPSON: Is that no?

OFFICER ORTIZ: No.

SR. INV. CARPENTER: And are there any witnesses or other evidence relevant to this case that you intend to submit on your

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behalf?

OFFICER ORTIZ: No.

SR. INV. CARPENTEOFFICER ORTIZ: The interview is concluded. The time now is 3:35 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER ARI SMITH-RUSSACK, #4132

DATE OF INTERVIEW: 04/10/2019

SR. INV. CANDACE CARPENTER: This interview regarding DPA Case Number 0097-18 is taking place at the Department of Police Accountability on April 10th, 2019 at 2:41 p.m. Conducting this interview is myself, Senior Investigator Candace Carpenter, and DPA Attorney Tinnetta Thompson. Also present is Investigator Matt Stonecipher. We all work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation. The member being interviewed is Ari Smith-Russack, who is a named officer in this matter. Representing Officer Smith-Russack is--

POA ATTY. DON NOBLES: Don Nobles, POA Attorney.

SR. INV. CARPENTER: Officer Smith-Russack, have you read the DPA Form 293 and Allegation Form regarding the allegations of misconduct?

OFFICER ARI SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Officer Smith-Russack, because there may be criminal culpability on your part, you have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these rights that I have explained to you?

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OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: With these rights in mind, would you like to answer my questions now?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in Administrative discipline, including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally unless you choose to testify in such a criminal case. Do you understand this order?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Officer Smith-Russack, will you answer my questions as ordered at this time?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And for the recording, I note that Officer Smith-Russack has handed me a DPA Administrative Interview Advisement Form which bears his signature and star number, and today's date. I also note that the form has been signed by his Representative, Don Nobles. I will store this

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form in the DPA file for this case. This interview is regarding an incident regarding a person with a gun that occurred on March 6th, 2018 starting at approximately 10:36 p.m. at 20th and Capp Street. The subjects involved in the incident, Mr. Jesus Delgado-Duarte the decedent and he was in the trunk, Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle, and [redacted] was in the backseat of the Honda Civic. So we're going to go through it really slowly. We're gonna just have you tell us what happened, with no interruptions.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. CARPENTER: And then we'll start with your background. And we'll break down the incident. Okay?

OFFICER SMITH-RUSSACK: Sure.

SR. INV. CARPENTER: All right. So can you--just going to start with tell me what happened?

OFFICER SMITH-RUSSACK: Okay. Received a radio call that another unit had stopped a vehicle that was possibly involved with a robbery and that there was possibly a gun involved. And they issued a Code 33 which clears the air for that emergency. Me and Officer Carroll responded from the station to back them up. Upon our arrival, I observed a black Honda Civic in the middle of the street with what appear to be a subject laying in the back of the Civic and the trunk open. I took a position of cover behind a red truck on the east side of the street. Me and other officers gave the subject in the trunk orders to display his hands, which he ignored. Another officer shot an ERIW round at the subject in an attempt to gain compliance. We continued

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to order in English and Spanish the subject show both of his hands, which he ignored. And at this point I should mention I deployed the AR-15 rifle and pointed it in the direction of the vehicle. And the subject in the trunk during the course of the incident opened the trunk, pointed what appeared to be a firearm, and shot two rounds towards other officers on scene, at which point I discharged my firearm at the suspect until I determined that he was no longer a threat.

SR. INV. CARPENTER: Did you review any documents to prepare for this interview?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And what were those?

OFFICER SMITH-RUSSACK: The recording of my Homicide interview and the Internal Affairs interview.

SR. INV. CARPENTER: And did you reviewed any videos related to this incident?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Which ones?

OFFICER SMITH-RUSSACK: Seen the body-worn camera footage from my body-worn camera we well as Officer Nagai's.

SR. INV. TINNETTA THOMPSON: Did you listen to the Homicide and IAD recordings or did you read the transcripts?

OFFICER SMITH-RUSSACK: I listened to both of them. I believe I read the transcript of one of them.

SR. INV. THOMPSON: Do you recall which one?

OFFICER SMITH-RUSSACK: I'd have to double-check. I'm not sure.

SR. INV. CARPENTER: And why did you review the body-worn

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camera footage for Officer Nagai?

OFFICER SMITH-RUSSACK: To get a--my body-worn camera footage doesn't show a full picture of what happened because it's partially behind a truck and pointed away from the--

SR. INV. CARPENTER: Did you decide to choose Officer Nagai's or did someone tell you this is the body-worn camera footage you were going to review.

OFFICER SMITH-RUSSACK: I chose Officer Nagai's footage.

SR. INV. THOMPSON: Why?

OFFICER SMITH-RUSSACK: His position on the scene had a, what I thought would be the best view of the entire. I've also seen segments of other body-worn camera that had been released to the public. But not the full-on unedited version except for that.

SR. INV. CARPENTER: And how many times had you been interviewed regarding this incident?

OFFICER SMITH-RUSSACK: I believe this is the third time.

SR. INV. CARPENTER: Okay. And who interviewed you?

OFFICER SMITH-RUSSACK: Homicide.

POA ATTY. NOBLES: Can I clarify something real quickly?

OFFICER SMITH-RUSSACK: Sure.

POA ATTY. NOBLES: Just want to make clear that he did review that, but this was on the date of the incident, not in preparation for this. Or not today--

OFFICER SMITH-RUSSACK: Oh, yeah. Not today.

POA ATTY. NOBLES: Yeah.

OFFICER SMITH-RUSSACK: Not today, yeah.

POA ATTY. NOBLES: This was at the time of the incident.

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SR. INV. THOMPSON: Thank you.

POA ATTY. NOBLES: Okay.

SR. INV. THOMPSON: And did you review anything in preparation for today, though?

OFFICER SMITH-RUSSACK: No. Not in direct [UNINTELLIGIBLE]. Just the audio recordings.

SR. INV. THOMPSON: And the body-worn camera was you last March on the 7th.

POA ATTY. NOBLES: Yes.

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: I'm sorry. You were interviewed by Homicide and?

OFFICER SMITH-RUSSACK: The DA's Office and Internal Affairs.

SR. INV. CARPENTER: And did you--were you interviewed by the DA's Office separately from Homicide?

OFFICER SMITH-RUSSACK: It was at the same time as Homicide.

SR. INV. CARPENTER: Same time? As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident?

OFFICER SMITH-RUSSACK: Not to my recollection.

SR. INV. CARPENTER: Is there anything that was not covered in those interviews with Homicide and IAD that you would like to add to the record at this time?

OFFICER SMITH-RUSSACK: Not that I'm aware of.

SR. INV. CARPENTER: Is there anything that you'd like to clarify?

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OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: Other than your Rep or Attorney have you spoken to anyone else about this case?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: And how long have you been employed by SFPD?

OFFICER SMITH-RUSSACK: Approximately two years.

SR. INV. CARPENTER: And where were you stationed at the time of the incident?

OFFICER SMITH-RUSSACK: Mission Station.

SR. INV. CARPENTER: And how long were you assigned to Mission Station?

OFFICER SMITH-RUSSACK: I believe it was around six months.

SR. INV. CARPENTER: And during that six months, were you on Probation?

OFFICER SMITH-RUSSACK: Yes, I was.

SR. INV. CARPENTER: And was Mission Station your Probation station?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: All right. And where are you currently stationed?

OFFICER SMITH-RUSSACK: Back at Mission.

SR. INV. CARPENTER: Mission? And is that now your permanent station?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: Okay. And what was your assigned sector on the night of the incident?

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OFFICER SMITH-RUSSACK: I don't recall. I'd have to review.

SR. INV. CARPENTER: Were you on patrol?

OFFICER SMITH-RUSSACK: We were not on patrol when we received the call but we were on patrol that day.

SR. INV. THOMPSON: What does it mean to be on patrol?

OFFICER SMITH-RUSSACK: On patrol when we're--in the vehicle responding to calls and looking for criminal activity.

SR. INV. CARPENTER: Have you worked at any other law enforcement agencies?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: Have you had any previous involvement with any of the three parties prior to this incident?

OFFICER SMITH-RUSSACK: Not to my knowledge.

SR. INV. CARPENTER: You were on duty on March 6th, 2018. Is that correct?

OFFICER SMITH-RUSSACK: I believe so. I'd have to check the dates.

SR. INV. CARPENTER: Okay. The night of the incident, you were on duty.

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Which is March 6th, 2018.

OFFICER SMITH-RUSSACK: Yes. Then, yes.

SR. INV. CARPENTER: And what was your shift?

OFFICER SMITH-RUSSACK: It was Swing shift which is 16:00 to 02:00.

SR. INV. CARPENTER: I'm sorry. What was that?

OFFICER SMITH-RUSSACK: 16:00 to 02:00. 4 to 2.

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SR. INV. CARPENTER: And how many hours of sleep had you had before your shift?

OFFICER SMITH-RUSSACK: I don't recall.

SR. INV. CARPENTER: And what time did you arrive at work that night? Or that day?

OFFICER SMITH-RUSSACK: I don't recall.

SR. INV. CARPENTER: Did you make line-up?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: You say that your partner was Officer Carroll?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: Is that correct?

OFFICER SMITH-RUSSACK: That's correct.

SR. INV. CARPENTER: Between you and Officer Carroll, who was the senior officer?

OFFICER SMITH-RUSSACK: Officer Carroll.

SR. INV. CARPENTER: And how long had you worked with Officer Carroll?

OFFICER SMITH-RUSSACK: We weren't assigned partners. But we did work together sometimes.

SR. INV. CARPENTER: And do you wear glasses?

OFFICER SMITH-RUSSACK: I do not.

SR. INV. CARPENTER: Do you wear prescription contact lenses?

OFFICER SMITH-RUSSACK: No, ma'am.

SR. INV. CARPENTER: And please describe the uniform you were wearing that day.

OFFICER SMITH-RUSSACK: I don't recall. It was either a

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Class B uniform or a BDU uniform.

DPA ATTY. THOMPSOPOA ATTY. NOBLES: What did it look like? Either one? Class B and then--BDUs.

OFFICER SMITH-RUSSACK: Class B is what I'm wearing now with the star and pins attached. BDU uniform would be with the name tag and star embroidered into the uniform.

SR. INV. THOMPSON: And your name was visible on the Class B uniform?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: And it had the SFPD patches on?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: On both the sleeves?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And what equipment did you have on your person?

OFFICER SMITH-RUSSACK: I had all my assigned Department equipment. Do you want me to go through it?

SR. INV. CARPENTER: Yes, please.

SR. INV. THOMPSON: Please.

OFFICER SMITH-RUSSACK: Okay. Yeah, no worries. Department-issued firearm. Two magazines. Two pairs of handcuffs. A baton. Pepper spray. Keys. Duty belt. And a uniform.

SR. INV. CARPENTER: Radio?

OFFICER SMITH-RUSSACK: A radio. I'm sorry. A radio. Yes.

SR. INV. CARPENTER: And what is your primary weapon?

OFFICER SMITH-RUSSACK: Can you re-phrase the question?

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SR. INV. CARPENTER: Your primary firearm?

OFFICER SMITH-RUSSACK: Oh, it's a P-226 Sig Sauer.

SR. INV. THOMPSON: Now can you tell us what the ammunition was and did you--was your gun loaded?

OFFICER SMITH-RUSSACK: It was loaded.

SR. INV. THOMPSON: Okay. And what was in it? How many bullets?

OFFICER SMITH-RUSSACK: So it would be twelve rounds and one in the chamber so 13 in all were loaded in the firearm.

SR. INV. CARPENTER: And do you carry a back-up weapon?

OFFICER SMITH-RUSSACK: I do not. Not on me.

SR. INV. CARPENTER: And how many bullets did you have when you started your shift?

OFFICER SMITH-RUSSACK: In the--in regards to the Sig?

SR. INV. CARPENTER: Yes.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. CARPENTER: And your magazines.

OFFICER SMITH-RUSSACK: So it would be 12 in the two extra magazines and 13 in the weapon.

SR. INV. THOMPSON: So that's going to be 12 bullets in each magazine.

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. THOMPSON: And then--

SR. INV. CARPENTER: That's 24 and then plus the 13?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. THOMPSON: So 37.

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: You stated that you were in a vehicle.

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What type of vehicle were you in?

OFFICER SMITH-RUSSACK: It was a full unmarked patrol vehicle.

SR. INV. CARPENTER: And were you the driver or the passenger?

OFFICER SMITH-RUSSACK: I was the passenger.

SR. INV. CARPENTER: Was anyone else in the vehicle besides you and your partner, Officer Carroll?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Who was that?

OFFICER SMITH-RUSSACK: Officer Smets.

SR. INV. CARPENTER: And what was Mr.--or Officer Smets located in the vehicle?

OFFICER SMITH-RUSSACK: He was in the back of the vehicle.

SR. INV. CARPENTER: And what equipment did you have in your vehicle?

OFFICER SMITH-RUSSACK: We had an ERIW. And an AR-15 rifle as well as a patrol bag with various forms and medical equipment.

SR. INV. THOMPSON: Who signed out the rifle?

OFFICER SMITH-RUSSACK: I did.

SR. INV. THOMPSON: And how do you sign out the rifle?

OFFICER SMITH-RUSSACK: You sign your name and put the information on the--on a sheet with the Station Keeper.

SR. INV. THOMPSON: And do you do that for every shift or just--

OFFICER SMITH-RUSSACK: Yes. Every shift.

SR. INV. THOMPSON: Okay. And in this particular case or

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when you checked out the rifle or signed it out, are you the only one that's allowed to use the rifle?

OFFICER SMITH-RUSSACK: Anyone that's trained in the rifle can use it. So it would depend on who had the training.

SR. INV. THOMPSON: So Officer Carroll would have been allowed to use the rifle if he so chose.

OFFICER SMITH-RUSSACK: I don't know for sure whether he's been trained in the AR or not.

SR. INV. THOMPSON: But officers know that you're not allowed to use the rifle unless you have been trained in it.

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: And you were trained in the rifle?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. THOMPSON: Okay. Are you trained in both the Rifle and the Sig Sauer semi-automatic?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: At the Academy?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: All cadets are?

OFFICER SMITH-RUSSACK: All recruits are now.

SR. INV. THOMPSON: Now?

OFFICER SMITH-RUSSACK: Yeah.

SR. INV. CARPENTER: Okay. But when you were in the Academy, that was not the case?

OFFICER SMITH-RUSSACK: No, I'm sorry. They were. I just mean that--in the past they weren't so a lot of officers aren't trained.

SR. INV. CARPENTER: Oh, I see.

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OFFICER SMITH-RUSSACK: But I'm just saying I am one of them that is trained, yeah.

SR. INV. CARPENTER: Okay. And did you check out the ERIW?

OFFICER SMITH-RUSSACK: I don't recall if it was me or Officer Carroll, would have been one of the two of us.

SR. INV. CARPENTER: Are you required to carry the ERIW I your vehicle?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And who was your supervisor?

OFFICER SMITH-RUSSACK: I don't recall who the Sergeants were that day.

SR. INV. CARPENTER: And what type of training had you received regarding felony traffic stops?

OFFICER SMITH-RUSSACK: We received the training in the Academy. Yeah. All my training was, I believe, in the Academy and some during FTO regarding felony traffic stops.

SR. INV. CARPENTER: And what type of training did you receive?

OFFICER SMITH-RUSSACK: Can you be a little more specific?

SR. INV. CARPENTER: Is there a certain procedure for how you stop?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Vehicle--felony vehicles, essentially?

OFFICER SMITH-RUSSACK: Yes. It is all dependent on the situation. So can change but generally with two patrol cars behind the felony vehicle. And with guns pointed at the driver and the driver's ordered out of the vehicle, methodically. And then back to us in the same position.

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SR. INV. CARPENTER: And had you experienced any felony traffic stops while you were an FTO?

OFFICER SMITH-RUSSACK: I don't recall if I had done any as an FTO.

SR. INV. CARPENTER: What about after FTO and--

OFFICER SMITH-RUSSACK: I believe so but I couldn't say specifics. I don't recall [UNINTELLIGIBLE].

SR. INV. THOMPSON: Did you do any simulations or role-play with regards to felony stops in the Academy or even with your FTO?

OFFICER SMITH-RUSSACK: Yes, we did.

SR. INV. THOMPSON: Okay. Was there any other coursework that you remember doing as far as felony stops in the Academy?

OFFICER SMITH-RUSSACK: Not besides the Academy. It was all done in the Academy.

SR. INV. THOMPSON: Okay. And what type of--any other--I mean, in the Academy, any type of other coursework that you'd done besides the role playing and the simulations? And can you describe that?

OFFICER SMITH-RUSSACK: Yes. So during--so I guess during EVOC the Emergency Vehicle Operations Course, we practiced a variety of felony traffic stops and giving orders, I believe, in one of the simulations we did, I'm not 100 percent sure. I believe there was a felony traffic stop involved. And just various miscellaneous training with instructors at the Academy.

SR. INV. CARPENTER: And what type of training had you received regarding barricaded suspects?

OFFICER SMITH-RUSSACK: We--trying to think if--I believe

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during the Academy we did simulations regarding barricaded suspects. We did part of the CIT class which talked about barricaded suspects. And I don't recall exactly when or which things but we certainly had training on it.

SR. INV. CARPENTER: And was this simulation?

OFFICER SMITH-RUSSACK: Part of it was simulation. Yes.

SR. INV. CARPENTER: And the other part was?

OFFICER SMITH-RUSSACK: Power Point presentation and discussion.

SR. INV. CARPENTER: And what type of training had you received regarding suspects in trunks?

OFFICER SMITH-RUSSACK: Specifically in a trunk, I don't recall anything other than when you approach a vehicle to check the trunk to make sure that it's not open. Someone waiting--lying in wait for you.

SR. INV. CARPENTER: What type of training had you received regarding armed suspects?

OFFICER SMITH-RUSSACK: Variety of training. At the Range, during computer simulations, OSFT--

SR. INV. CARPENTER: What's that?

OFFICER SMITH-RUSSACK: I'm sorry. Officer Survival. It's a week at the end of the Academy. Simulations--and class discussions and a Power Point et cetera.

SR. INV. CARPENTER: What about in the field? Had you experienced any contacts with individuals who were armed?

OFFICER SMITH-RUSSACK: At that time I don't recall if I did or didn't.

SR. INV. CARPENTER: And what type of training had you

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received regarding tactical considerations and patrol techniques?

OFFICER SMITH-RUSSACK: That would be covered during OSFT simulations. The computer simulations and real simulations. And, again, Power Point presentation and class discussions.

SR. INV. CARPENTER: And this is all done at the Academy?

OFFICER SMITH-RUSSACK: Part of it's at the Academy. OSFT is done at the Airport Range.

SR. INV. CARPENTER: I'm sorry. What was OF--

OFFICER SMITH-RUSSACK: Officer Survival.

SR. INV. CARPENTER: Oh. Officer Survival. Okay.

OFFICER SMITH-RUSSACK: That's done at the--at the Airport Range and also the Lake Merced Range. We did training on armed suspects as well.

SR. INV. CARPENTER: And what type of training had you received regarding tactical considerations in crimes involving several subjects that required multiple cover contact and cover officers?

OFFICER SMITH-RUSSACK: That would, again, be covered in the simulations.

SR. INV. CARPENTER: Okay.

OFFICER SMITH-RUSSACK: And the other things I mentioned.

SR. INV. THOMPSON: What is that? Multiple cover contact and cover officers?

OFFICER SMITH-RUSSACK: I'm having trouble understanding the question. Do you mean, again, I'm sorry.

SR. INV. THOMPSON: Yeah, what does it mean to you? Like cover?

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OFFICER SMITH-RUSSACK: Cover means a position where you can present yourself from being hit by gunfire. Something to protect you.

SR. INV. CARPENTER: And in the Academy, do you--are you guys trained on how to enter buildings?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And do you use cover and contact techniques--

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: When you're searching a building?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Would you use the same for felony stops?

OFFICER SMITH-RUSSACK: Not the exact same. It would be some elements would be similar. But it would be dependent on the situation.

SR. INV. CARPENTER: And do you speak any other languages?

OFFICER SMITH-RUSSACK: I do not.

SR. INV. CARPENTER: Had you received CIT training?

OFFICER SMITH-RUSSACK: I'd received but I hadn't been through the whole course at that point. But I had received some CIT training in the Academy.

SR. INV. CARPENTER: How much?

OFFICER SMITH-RUSSACK: I don't recall the hour amount. But I definitely had received--

SR. INV. CARPENTER: And had you received the Advanced Officer training?

OFFICER SMITH-RUSSACK: No. Not at that point.

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SR. INV. CARPENTER: Had you received the de-escalation training?

OFFICER SMITH-RUSSACK: I had received some de-escalation training, yes.

SR. INV. CARPENTER: Was that in the Academy?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And can you kind of describe what type of training that was?

OFFICER SMITH-RUSSACK: Yeah, it was--again, simulations, Power Point presentation, class discussion.

SR. INV. CARPENTER: Did you use the FATS?

OFFICER SMITH-RUSSACK: I did, yes.

SR. INV. CARPENTER: System?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: In the Academy?

OFFICER SMITH-RUSSACK: That was one of the things we did, yes.

SR. INV. CARPENTER: Okay.

SR. INV. CARPENTER: And can you describe some of the scenarios or what you were trained in, in that FATS training?

OFFICER SMITH-RUSSACK: Yeah, I don't recall specific scenarios I did in the Academy. But they involved hostile subjects with some type of weapon and attempted to de-escalate them in order to avoid a deadly confrontation.

SR. INV. CARPENTER: And does the FATS also train you in which force option to use?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Okay.

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SR. INV. THOMPSON: Can you discuss your background in--at the Academy or your training in firearms with the rifle and as well as the Sig Sauer that you were issued? And how do you get about having those issued to you by the Department?

OFFICER SMITH-RUSSACK: Okay. In terms of using the weapons?

SR. INV. THOMPSON: Using the weapons and everything like that. And in relation to actually DGO 5.02, Discharge of a Firearm.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. THOMPSON: And how that played into your training, as well.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. THOMPSON: If that makes sense. You can break it up, too. Like this is how I got--I was--you know, we went to the Range this many--I'm just giving you, you know.

OFFICER SMITH-RUSSACK: Okay. I mean, I don't recall specifics on dates and times but we were trained at the Range in the use of the Sig Sauer and then also in the rifle and how to properly aim, terms of--you know, your sight picture and--worried about what is in your background of firing. And when you can lawfully discharge your firearm. Does that answer the question?

SR. INV. THOMPSON: Yes.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. THOMPSON: And then also how in depth did you go in the Academy and even during your FTO training with regards to discharge of your firearm, pursuant to Department General Order

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5.02?

OFFICER SMITH-RUSSACK: I don't know exactly how to answer the in-depth part. We covered the DGO, obviously, and went over all applicable laws and when it would be justified. Is that--I'm sorry. Does that answer the question?

SR. INV. THOMPSON: Yes.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. THOMPSON: And do you have to be--and how often do you have to go to the Range to like certify or--[UNINTELLIGIBLE]--

OFFICER SMITH-RUSSACK: Believe it's every six months.

SR. INV. THOMPSON: Every six months.

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. THOMPSON: And at that time were you--

OFFICER SMITH-RUSSACK: Yes. I was in compliance, yes, ma'am.

SR. INV. THOMPSON: Of the incident on March 6th, were you in compliance with--

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: How are you--how many shots are you trained to fire before you assess a threat?

OFFICER SMITH-RUSSACK: That would be completely dependent upon the situation.

SR. INV. CARPENTER: Okay. In the Academy they train you on different scenarios to use? Are they--is it--I'm sorry.

OFFICER SMITH-RUSSACK: Of course.

SR. INV. CARPENTER: Are there scenarios presented to you at the Range so you determine how many shots are fired before you

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assess a threat?

OFFICER SMITH-RUSSACK: I don't recall specifically. I mean, it would depend, again, on the situation and if you're actively taking fire or, you know, if the--you know, in general, to fire until the--there's no longer a threat. And then to obviously stop firing when you're no longer in danger. Whoever else is in danger is no longer in danger.

SR. INV. CARPENTER: Are you trained to shoot four times and then assess?

OFFICER SMITH-RUSSACK: Not to my recollection.

SR. INV. THOMPSON: Are you--do you practice on moving targets or in different positions and in lying on your back--or lying--

OFFICER SMITH-RUSSACK: Yeah.

SR. INV. THOMPSON: On your stomach.

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. THOMPSON: Okay. Can you explain that? Like how are they training you with your firearms?

OFFICER SMITH-RUSSACK: I believe in the Academy most of it is stationary with some minimal movements. And then our--no, I take that back. There are movements, different positions, behind cover, to the side of things, and then the OSFT continues in more depth on that moving in different positions of cover, firing from awkward positions. Things like that.

SR. INV. CARPENTER: Is it in the training for your Sig, is that the same for the rifle?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: Can you describe what the rifle

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training is like?

OFFICER SMITH-RUSSACK: I don't know exactly. They have a different set of standards and just different procedure for obviously the rifle 'cause it--it's different. It operates differently and can fire from a farther distance. So. That was taken into account.

SR. INV. THOMPSON: Does that require the same six-month compliance? Using the rifle?

OFFICER SMITH-RUSSACK: I'm not 100 percent sure if it's every six months or every year. I'd have to check with the DGOs.

SR. INV. CARPENTER: Had you received training on crisis negotiation?

OFFICER SMITH-RUSSACK: I believe we did in the Academy. I don't recall specifically what class.

SR. INV. CARPENTER: [UNINTELLIGIBLE] No?

SR. INV. THOMPSON: [UNINTELLIGIBLE]

POA ATTY. NOBLES: No, I don't think so.

SR. INV. CARPENTER: I have Exhibit 1.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. CARPENTER: Internet--or [UNINTELLIGIBLE] explain.

SR. INV. THOMPSON: If you would, in the lower right-hand corner, write y our name, your star number, and today's date.

OFFICER SMITH-RUSSACK: Yeah. The lower right-hand corner?

SR. INV. THOMPSON: Whatever free corner because from my angle, yes.

OFFICER SMITH-RUSSACK: Oh, okay.

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SR. INV. CARPENTER: And can you on that Exhibit 1, can you put an "X" where you were?

OFFICER SMITH-RUSSACK: I--I couldn't say for sure exactly where I was. I would have to give you an estimate of which I'm not sure which exactly car represents the red truck.

SR. INV. CARPENTER: Okay. And who is Exhibit 2? If you could do the same.

OFFICER SMITH-RUSSACK: Yeah. You want me to mark where I was?

SR. INV. CARPENTER: Put your name, your star number, and today's date.

OFFICER SMITH-RUSSACK: Okay.

SR. INV. THOMPSON: And then on the diagram, if you can circle the car that you were in as well as "X" where you were, and your initials.

OFFICER SMITH-RUSSACK: Okay. I don't recall 100 percent which car I was in that I think I know which one it is but I'm--I don't recall from the incident. I'd have to review footage and records for that day. But I can tell you where I was during the shooting.

SR. INV. CARPENTER: Okay.

OFFICER SMITH-RUSSACK: Is that--do you want me to put a mark there?

SR. INV. CARPENTER: Yes.

SR. INV. THOMPSON: Why don't you use my pen?

OFFICER SMITH-RUSSACK: Okay.

SR. INV. THOMPSON: And then put your initials.

OFFICER SMITH-RUSSACK: Okay.

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SR. INV. THOMPSON: Thank you.

SR. INV. CARPENTER: And from either of these Exhibits, do you know which patrol vehicle that you were in?

SR. INV. THOMPSON: I'm not 100 percent sure which patrol vehicle we were driving that day.

SR. INV. CARPENTER: You can just use [UNINTELLIGIBLE]. And what were you doing prior to your response to the area of 20th and Capp Street?

OFFICER SMITH-RUSSACK: We were eating dinner at the station.

SR. INV. THOMPSON: Had you received any calls that evening or that afternoon?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: Anything of significance?

OFFICER SMITH-RUSSACK: Not in any relation to this incident.

SR. INV. THOMPSON: Were you on your lunch break at that time?

OFFICER SMITH-RUSSACK: Yes, we were.

SR. INV. CARPENTER: And what information did you receive prior to responding to the call?

OFFICER SMITH-RUSSACK: That there was an emergency and to clear all traffic, meaning radio traffic, and that the officers had a vehicle stopped that was a 211, 221 vehicle which means that it was a--involved in a robbery and that there was a person that was armed.

SR. INV. CARPENTER: Okay. Do you know approximately how long it took you from the station to get to the location of 20th

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and Capp?

OFFICER SMITH-RUSSACK: Oh, it would have to be a rough estimate. Maybe 20 to 30 seconds.

SR. INV. CARPENTER: Okay. So you were in close proximity to the location?

OFFICER SMITH-RUSSACK: Yes. Fairly close.

SR. INV. THOMPSON: And prior to that did you sign out the assault rifle?

OFFICER SMITH-RUSSACK: The AR-15--

SR. INV. THOMPSON: AR-15, yes.

OFFICER SMITH-RUSSACK: [UNINTELLIGIBLE].

SR. INV. CARPENTER: Were any other officers at the station with you that responded to the scene?

OFFICER SMITH-RUSSACK: I know that Officer Carroll was and Officer Smets were. Other than that, I can't say for sure.

SR. INV. CARPENTER: Were any Sergeants at the station that also responded to the scene?

OFFICER SMITH-RUSSACK: I don't know, off-hand.

SR. INV. THOMPSON: Why the three of you go?

OFFICER SMITH-RUSSACK: So me and Officer Carroll got in the car because we're partners and then Officer Smets got in the back. I'm assuming he didn't have a vehicle, as far--I don't know exactly his the reasoning but just to get to the scene.

SR. INV. THOMPSON: And what's going through your mind when you hear the Code 33?

OFFICER SMITH-RUSSACK: That there's some type of emergency that an officer is in need of additional assistance.

SR. INV. CARPENTER: And where was your vehicle parked at

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the station?

OFFICER SMITH-RUSSACK: It was parked in the--do you want me to describe Mission Station? They--the parking lot with all the specific part in front of the station where all the patrol cars are parked.

SR. INV. CARPENTER: Were there any other officers at that time going to their patrol vehicles to assist?

OFFICER SMITH-RUSSACK: I believe so. I can't say for sure that I recall who or when.

SR. INV. CARPENTER: Did you discuss any tactics or plan with your officers or with your partners on your way to the [UNINTELLIGIBLE]?

OFFICER SMITH-RUSSACK: I don't recall if we did or didn't. Mostly focused on the--safely responding in a Code 33 manner. I don't recall if we were talking about that at the time.

SR. INV. CARPENTER: And when--I'm sorry.

SR. INV. THOMPSON: Is that normally something you would do, discuss how you would approach a Code 33, an officer needs assistance or how did you go about responding to that call or how were you trained?

OFFICER SMITH-RUSSACK: If it's feasible, we would certainly try and discuss tactics or some type of plan. But sometimes it's not feasible before we have to get there to assess the situation.

SR. INV. CARPENTER: And when you arrived at the scene, did you discuss any tactics or a plan with the other officers?

OFFICER SMITH-RUSSACK: In terms of a specific plan, I

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don't believe so.

SR. INV. CARPENTER: Okay. Did you discuss any tactics?

OFFICER SMITH-RUSSACK: We discussed that there was a--I had noticed that there was a female in the--in the vehicle so I was communicating that to Officer Carroll. Officer Carroll asked me to check for additional suspects in the vehicle. I can't say for sure what they discussed as I was on the other side of the street. We discussed possibly talking to the suspect in Spanish. And the--just the warning before the ERIW was discharged so that everybody knew that it wasn't gunfire.

SR. INV. CARPENTER: You say "we", who are "we"?

OFFICER SMITH-RUSSACK: Oh, for which part? I'm sorry.

SR. INV. CARPENTER: You say that you did tell Officer Carroll--

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: That you noticed the female.

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: In the backseat.

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Did you guys have any other discussions regarding the female in the backseat?

OFFICER SMITH-RUSSACK: He asked me to check for anybody else. I--I told them that there was a female. I said there's an X in the back, meaning there was a female. And I don't--I don't know if he acknowledged that or not.

SR. INV. THOMPSON: Can we just back-up a little bit. So you get in the car. You were the passenger, front passenger, right?

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OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. THOMPSON: So you get in--you're the front passenger. Takes you about 20 to 30 seconds to get to the area. And then what happened when you get there?

OFFICER SMITH-RUSSACK: When I get there--

SR. INV. THOMPSON: Oh, where did you park?

OFFICER SMITH-RUSSACK: Okay. We parked behind the primary unit.

SR. INV. THOMPSON: Do you know who was in that primary unit?

OFFICER SMITH-RUSSACK: Yes. Officer Tupper and Cassinelli.

SR. INV. THOMPSON: Okay. And what side of the primary unit did you park? The left or the right? Behind. To your knowledge?

OFFICER SMITH-RUSSACK: I believe it was the left.

SR. INV. THOMPSON: Okay. And at that point what did you do after--is it Officer Carroll that drives?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: Officer Carroll parks the car.

OFFICER SMITH-RUSSACK: I deployed the AR-15 rifle. And--

SR. INV. THOMPSON: What does that mean? Deployed.

OFFICER SMITH-RUSSACK: I took it out of its locked position in the middle of the patrol car. And chambered one round into the rifle and then took up a position of cover.

SR. INV. THOMPSON: And how did--what was that position of cover?

OFFICER SMITH-RUSSACK: That position of cover ended up

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being behind the red truck here. To try and get a better vantage point to see who else was in the vehicle.

SR. INV. CARPENTER: And Officer Smith-Russack is pointing to Exhibit 2, the red truck, where he signed his name.

SR. INV. THOMPSON: And had you talked to anybody after you had deployed the rifle and walked by the red truck? Did you talk to anybody before that?

OFFICER SMITH-RUSSACK: I don't recall what was said.

SR. INV. THOMPSON: And how long did it take you to do that, to get from--well, the time the car was parked to where you took a position of cover behind the red truck?

OFFICER SMITH-RUSSACK: I would have to say, I believe it was within about 15 to 20 seconds. Maybe less.

SR. INV. THOMPSON: And how far away were you from th4e black Honda at that point?

OFFICER SMITH-RUSSACK: As I was directly across the street. So I--it would have been however many feet that is. Maybe--15, 20 feet. I'm not sure how long that is.

SR. INV. THOMPSON: And then what did you do next?

OFFICER SMITH-RUSSACK: I pointed the AR towards the vehicle and started giving orders to the occupants inside the vehicle.

SR. INV. THOMPSON: Okay. At this point, how many occupants could you see inside--see inside of the Honda?

OFFICER SMITH-RUSSACK: The--that there was someone in the trunk and then that there was a driver who was immediately being ordered back. Believe it was Officer Smets and Officer Carroll. And then I don't recall when exactly but it became--I--saw the

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female also in the car.

SR. INV. THOMPSON: You saw her from your position of cover?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: On the [U}.

OFFICER SMITH-RUSSACK: Yes. I could see her from behind the red truck.

SR. INV. THOMPSON: And what was she doing?

OFFICER SMITH-RUSSACK: I couldn't see what she was doing.

SR. INV. THOMPSON: How did you know it was a female?

OFFICER SMITH-RUSSACK: I could just see the outline of her.

SR. INV. THOMPSON: Were the interior lights of the Honda on at this time?

OFFICER SMITH-RUSSACK: I couldn't say for sure.

SR. INV. THOMPSON: And how about the truck? Did you see any trunk light?

OFFICER SMITH-RUSSACK: I'm not sure.

SR. INV. THOMPSON: Was the driver's side door closed at this time?

OFFICER SMITH-RUSSACK: When he was being ordered out, I believe it was open.

SR. INV. THOMPSON: What did you observe next?

OFFICER SMITH-RUSSACK: After he was ordered back behind the patrol cars?

SR. INV. THOMPSON: Yes.

OFFICER SMITH-RUSSACK: Then we started giving orders for any other occupants to exit the vehicle, I noticed that the

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female occupant was not complying and then we saw that the occupant in the trunk was attempting to reach for unknown object and fearing that that was a firearm, we gave orders to him to display both of h is hands.

SR. INV. THOMPSON: What were the weather conditions like that evening?

OFFICER SMITH-RUSSACK: I believe it was clear. It wasn't raining.

SR. INV. THOMPSON: The lighting conditions?

OFFICER SMITH-RUSSACK: I believe streetlight lighting. It was--I think it was around dusk.

SR. INV. THOMPSON: Any artificial lighting from the patrol cars? It's a Honda.

OFFICER SMITH-RUSSACK: I believe the primary unit had the lights on but I don't know for sure.

SR. INV. THOMPSON: Was there anything obstructing your view in looking at the Honda?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: Were there tinted windows in the Honda?

OFFICER SMITH-RUSSACK: I don't recall.

SR. INV. CARPENTER: How many officer at the scene you were at?

OFFICER SMITH-RUSSACK: I don't know for sure how many.

SR. INV. CARPENTER: Were you the sole officer, Cassinelli and Officer Tupper were the first units?

OFFICER SMITH-RUSSACK: To my knowledge, yes.

SR. INV. CARPENTER: To your knowledge? You took the position of cover behind the red truck. Where was Officer

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Carroll?

OFFICER SMITH-RUSSACK: Officer Carroll was in the street next to the primary unit. I could see him sort of--to the right of my vision.

SR. INV. CARPENTER: Okay. And can you mark Exhibit 2?

SR. INV. THOMPSON: Yes.

SR. INV. CARPENTER: Where Officer Carroll was?

OFFICER SMITH-RUSSACK: And this is gonna be a [UNINTELLIGIBLE].

SR. INV. THOMPSON: Over here. [UNINTELLIGIBLE] And then put his initials, too. If you know them.

OFFICER SMITH-RUSSACK: Oh, Officer Carroll's initials?

SR. INV. THOMPSON: Yes. Okay.

SR. INV. THOMPSON: And again, that's just a rough estimate.

SR. INV. CARPENTER: Okay. Thank you.

SR. INV. THOMPSON: How was your firearm positioned?

OFFICER SMITH-RUSSACK: It was positioned from behind the engine block towards the--towards the Honda Civic.

SR. INV. CARPENTER: Were you standing?

OFFICER SMITH-RUSSACK: I believe I was in a--I believe I was in a kneeling position. I'm not 100 percent sure.

SR. INV. CARPENTER: And what were you aiming? Were you aiming at?

OFFICER SMITH-RUSSACK: Initially the driver and then the occupant in the trunk.

SR. INV. CARPENTER: Okay. Okay. And where was Officer Smets?

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OFFICER SMITH-RUSSACK: Officer Smets--I don't know where he was except for I know that he took the--the driver into custody with Officer Carroll but I don't know where he was after that.

SR. INV. CARPENTER: Okay. Do you know where they took the driver?

OFFICER SMITH-RUSSACK: I don't recall specifically where they took the driver. I just know that they handcuffed him and brought him back.

SR. INV. THOMPSON: And how long are you on scene at this point?

OFFICER SMITH-RUSSACK: A rough estimate, maybe--20, 30 seconds.

SR. INV. CARPENTER: Was there any other officers near you at this time?

OFFICER SMITH-RUSSACK: Not--not directly at--by the truck. They were all to the right of me.

SR. INV. CARPENTER: And who was all to the right of you?

OFFICER SMITH-RUSSACK: It's Officer Chiu, Officer Cassinelli, Officer Tupper, Officer Banegas and Officer Carroll.

SR. INV. CARPENTER: Were there any officers in front of you? Or besides--or are they--sorry. Can you put their initials where they were?

OFFICER SMITH-RUSSACK: Sure.

SR. INV. CARPENTER: Marker.

OFFICER SMITH-RUSSACK: I'm sorry. I don't know Banegas's first name.

SR. INV. CARPENTER: It's okay. Just Diane. Diane is fine.

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MALE SPEAKER: Millen?

SR. INV. CARPENTER: Oh, it is Millen, yeah.

OFFICER SMITH-RUSSACK: Don't know Cassinelli's first name.

SR. INV. CARPENTER: That's Steve.

SR. INV. THOMPSON: Stephen.

SR. INV. CARPENTER: Hm-hmm.

OFFICER SMITH-RUSSACK: And I'm not 100 percent sure where Loren Chiu was.

SR. INV. CARPENTER: Okay.

SR. INV. THOMPSON: But are they--by you at this point or eventually are they in the area?

OFFICER SMITH-RUSSACK: They're--I believe they're by me at this point.

SR. INV. CARPENTER: And are you giving--

OFFICER SMITH-RUSSACK: Oh, I'm sorry. Officer Banegas, I believe, came later. Everyone else was in position. Officer Banegas came up to use the PA. Yeah.

SR. INV. CARPENTER: Who was the highest ranking officer when you arrived at the scene?

OFFICER SMITH-RUSSACK: I don't know if there was a Sergeant there or not when I arrived.

SR. INV. CARPENTER: Who was--who were the senior officers at the scene when you arrived?

OFFICER SMITH-RUSSACK: I'd have to check the [UNINTELLIGIBLE]. I don't know off-hand who was the most senior.

SR. INV. CARPENTER: Were you concerned about cover?

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OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And why?

OFFICER SMITH-RUSSACK: Because I believe the suspect, or one of the suspects, might be in possession of firearm.

SR. INV. THOMPSON: And what made you believe that?

OFFICER SMITH-RUSSACK: Because the call had come out as a robbery with a gun.

SR. INV. CARPENTER: And can you describe your role at the scene?

OFFICER SMITH-RUSSACK: Yes. So providing cover to the other officers and the--I was giving verbal orders to the occupant in the trunk to display both of his hands.

SR. INV. THOMPSON: What language were you speaking?

OFFICER SMITH-RUSSACK: English.

SR. INV. THOMPSON: Did you get any response from the individual in the trunk when you were giving those orders?

OFFICER SMITH-RUSSACK: Occasionally he displayed one of his hands but was hiding the other. But other than that, no verbal response that I could hear.

SR. INV. THOMPSON: But what made you believe he was hiding or why did you use the word "hiding"? His other hand.

OFFICER SMITH-RUSSACK: Because he was clearly making one hand visible but appeared to be reaching for something with the other which was a major concern for us.

SR. INV. THOMPSON: Why?

OFFICER SMITH-RUSSACK: Because that's--behavior that's indicative of some type--he was reaching for a weapon.

SR. INV. CARPENTER: And who assigned you the role of being

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the cover and providing the verbal commands?

OFFICER SMITH-RUSSACK: I was not given that assignment. I took up that position myself.

SR. INV. CARPENTER: And why did you decide to take on that role?

OFFICER SMITH-RUSSACK: Because I believed that the--that someone in the car might be in possession of a firearm, presented a threat to the rest of the officers on scene as well as the general public.

SR. INV. CARPENTER: From your position, what could you see? So what was Mr. Duarte's position in the trunk of the vehicle?

OFFICER SMITH-RUSSACK: TO my recollection, he was laying with his head on the west side of the vehicle and his legs on the east. I believe. And that was--part of his body was concealed by the portions of the trunk.

SR. INV. CARPENTER: Could you see his face from your position?

OFFICER SMITH-RUSSACK: At various points I could see his face, yeah.

SR. INV. CARPENTER: Can you describe the expression on his face?

OFFICER SMITH-RUSSACK: I wasn't close enough to be certain of what his expression was.

SR. INV. CARPENTER: Could you see his torso?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Could you see his legs?

OFFICER SMITH-RUSSACK: At various points, yes.

SR. INV. THOMPSON: Do you recall what the person in the

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trunk was wearing?

OFFICER SMITH-RUSSACK: I believe he was wearing a black jacket and blue jeans.

SR. INV. CARPENTER: Does Mr. Duarte ever respond verbally to any of the commands?

OFFICER SMITH-RUSSACK: Not to my knowledge that day.

SR. INV. CARPENTER: After Mr. [redacted] was--the driver was detained by Officer Smets and Officer Carroll, how many officers had responded to the scene by then?

OFFICER SMITH-RUSSACK: I couldn't tell you because my attention was focused forward. I don't know how many were behind me.

SR. INV. CARPENTER: Okay. The time between Mr. [redacted] being detained and--was there anyone else, and Officer Banegas coming in on the microphone, was there anyone else speaking Spanish--

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: To Mr. Duarte?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: And who was that?

OFFICER SMITH-RUSSACK: Officer Santana.

SR. INV. CARPENTER: And where was Officer Santana positioned?

OFFICER SMITH-RUSSACK: I'm not 100 percent sure.

SR. INV. CARPENTER: Okay.

OFFICER SMITH-RUSSACK: But I could hear him.

SR. INV. CARPENTER: But you heard him?

OFFICER SMITH-RUSSACK: Yeah.

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SR. INV. CARPENTER: And how'd you know it was Officer Santana?

OFFICER SMITH-RUSSACK: I know his voice.

SR. INV. CARPENTER: And was Mr. Duarte responding to Officer Santana?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: When he was speaking in Spanish?

OFFICER SMITH-RUSSACK: Not to my knowledge. He was not responding verbally.

SR. INV. CARPENTER: What about physically? Was he responding?

OFFICER SMITH-RUSSACK: Throughout the incident, he was making furtive movements in the trunk. I'm not aware if those were directly in response to our commands or not. It was unclear.

SR. INV. CARPENTER: Okay. Officer Santana deployed the bean bag.

OFFICER SMITH-RUSSACK: yes.

SR. INV. CARPENTER: The ERIW. Did you hear Officer Santana give the red light--

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Warning?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: And can you kind of describe what that was?

OFFICER SMITH-RUSSACK: Yes. He shouted the words "red light" and then the rest of the officers on-scene echoed "red light" so that we all knew that he was prepared to discharge the

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ERIW and that we would not mistake it as gunfire and fire, you know, unnecessarily.

SR. INV. CARPENTER: Okay. And did you repeat the "red light"?

OFFICER SMITH-RUSSACK: I didn't personally, no.

SR. INV. THOMPSON: Why not?

OFFICER SMITH-RUSSACK: Because there was no one--near me and all the other officers had acknowledged the command.

SR. INV. THOMPSON: But you knew not to fire your rifle.

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: Okay. And why did Officer Santana decide--did he talk to anyone before he fired the ERIW?

OFFICER SMITH-RUSSACK: I couldn't tell you. I don't know.

SR. INV. CARPENTER: Did he speak to you?

OFFICER SMITH-RUSSACK: He didn't speak to me.

SR. INV. CARPENTER: Is it required that you give back the response "red light"? Or just that you acknowledge that someone is using the red light to yourself?

OFFICER SMITH-RUSSACK: I'm not 100 percent sure. In general I would give an acknowledgement. That day I didn't because of a--adrenaline and the whole situation.

SR. INV. CARPENTER: From that time before the ERIW, did--were you listening to your radio?

OFFICER SMITH-RUSSACK: I was.

SR. INV. CARPENTER: Okay. Did any supervisors come on the radio and provide any instructions?

OFFICER SMITH-RUSSACK: Not to my recollection of that

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day. Later after reviewing footage, I could hear a supervisor on the radio but at that time my--I didn't know if there was or not.

SR. INV. THOMPSON: And before the ERIW was fired by Officer Santana, how much time had passed from when you arrived on the scene?

OFFICER SMITH-RUSSACK: Estimate 20 to 30 seconds.

SR. INV. THOMPSON: So this is happening quickly.

OFFICER SMITH-RUSSACK: I believe so.

SR. INV. CARPENTER: And had you been in that type of situation before?

OFFICER SMITH-RUSSACK: Can you be a little more specific?

SR. INV. CARPENTER: In an individual in a trunk who will not--

OFFICER SMITH-RUSSACK: No, I had not--

SR. INV. CARPENTER: [UNINTELLIGIBLE] or listen to the commands and non-compliant.

OFFICER SMITH-RUSSACK: Not with an individual in a trunk.

SR. INV. CARPENTER: With multiple units responding.

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: But not with an individual in a trunk?

OFFICER SMITH-RUSSACK: I'd never encountered a situation where there was a suspect in a trunk that was non-compliant.

SR. INV. THOMPSON: Anything close to it or--

OFFICER SMITH-RUSSACK: Not anything involving a trunk. And I--don't believe there was an incident where someone wasn't following commands in a felony [stop].

SR. INV. THOMPSON: At a felony stop?

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OFFICER SMITH-RUSSACK: Yeah.

SR. INV. CARPENTER: Prior to the ERIW being deployed, what was your primary concern?

OFFICER SMITH-RUSSACK: That someone in the vehicle might have a firearm.

SR. INV. CARPENTER: So once the ERIW was deployed, did you see reaction from Mr. Duarte?

OFFICER SMITH-RUSSACK: I saw that it appeared that it had hit him and that he acknowledged that he had been struck with it but I--beyond that, I don't know.

SR. INV. CARPENTER: Did you see where the bean bag actually hit Mr. Duarte?

OFFICER SMITH-RUSSACK: Not at the time.

SR. INV. THOMPSON: Did you see how Mr. Duarte's body reacted to being hit by the bean bag?

OFFICER SMITH-RUSSACK: It appeared that he made a movement directly after. I'm assuming in reaction to getting hit.

SR. INV. THOMPSON: Did you see any of his hands? At this time?

OFFICER SMITH-RUSSACK: I don't recall where his hands were.

SR. INV. CARPENTER: Did you ever change your position?

OFFICER SMITH-RUSSACK: Initially I wasn't behind the truck and then--and then immediately went behind the truck, so, no. After that I did not.

SR. INV. CARPENTER: Okay. You stayed in that position?

OFFICER SMITH-RUSSACK: Yes.

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SR. INV. CARPENTER: Throughout the whole incident?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: Okay. Why did you decide to deploy your rifle versus your ERIW?

OFFICER SMITH-RUSSACK: Because the rifle, from my training and experience, I know to be more accurate and I'd be able to fire from a farther distance away. It could potentially neutralize the threat with more success and accuracy than the pistol.

SR. INV. CARPENTER: Why didn't you choose a less lethal option versus the lethal option?

OFFICER SMITH-RUSSACK: Because the call involved a firearm. A less lethal option would not be an appropriate response if we were to take fire.

SR. INV. CARPENTER: How many rounds of the ERIW did Officer Santana fire at Mr. Duarte?

OFFICER SMITH-RUSSACK: To my knowledge, one round.

SR. INV. CARPENTER: After the ERIW was deployed, did you see any shifting of position by officers?

OFFICER SMITH-RUSSACK: I don't recall.

SR. INV. THOMPSON: Did you give any further commands after the ERIW was deployed?

OFFICER SMITH-RUSSACK: I ordered him to show his hands. I can't say for sure whether that was before or after.

SR. INV. THOMPSON: Do you know how many times you said that?

OFFICER SMITH-RUSSACK: I believe more than once but I'm not sure.

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SR. INV. CARPENTER: After the ERIW was deployed, what happened?

OFFICER SMITH-RUSSACK: After the ERIW was deployed, commands were--continued to be given to the--to the suspect, both in Spanish and English. As far--that was for the--you know, that was what happened right after, just continuous commands.

SR. INV. CARPENTER: Do you understand Spanish?

OFFICER SMITH-RUSSACK: I do not. Or a very limited amount.

SR. INV. CARPENTER: Okay. Did you understand when Officer Banegas was on the mike and giving orders to Mr. Duarte, did you understand what she was telling Mr. Duarte?

OFFICER SMITH-RUSSACK: I didn't just because I don't speak Spanish.

SR. INV. CARPENTER: How long had passed from the time that you made your position at the red truck to when Officer Banegas was giving the--the orders in Spanish?

OFFICER SMITH-RUSSACK: I'm not sure. Maybe 15 seconds, 20 seconds.

SR. INV. CARPENTER: No, total.

OFFICER SMITH-RUSSACK: Oh. I'm sorry.

SR. INV. CARPENTER: From the time that you got in your position with the red truck?

OFFICER SMITH-RUSSACK: Okay.

SR. INV. CARPENTER: To when Officer Banegas was speaking on the mike, yeah.

OFFICER SMITH-RUSSACK: Was starting to speak. Maybe

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around 30 seconds, a little more. I'm not sure.

SR. INV. CARPENTER: So after Mr. Duarte didn't respond to the Spanish and English orders after the ERIW what happened?

OFFICER SMITH-RUSSACK: Just more--orders were given.

SR. INV. CARPENTER: How long? How long were they given?

OFFICER SMITH-RUSSACK: I'm really not sure. Maybe 15 to 20 seconds.

SR. INV. CARPENTER: And after that 15, 20 seconds, what happened?

OFFICER SMITH-RUSSACK: The subject in the rear of the trunk opened the trunk, pulled out a black object which I believed to be a firearm, and discharged two rounds at the other officers on scene.

SR. INV. CARPENTER: Do you know where he was pointing?

OFFICER SMITH-RUSSACK: From my view, it appears that he was pointing the gun towards Officer Tupper.

SR. INV. CARPENTER: Did you see a muzzle flash?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And did you hear the shots?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: How do you know those shots came from Mr. Duarte's gun?

OFFICER SMITH-RUSSACK: I could see very clearly him opening the trunk, reaching out with the firearm, and firing what looked like two rounds.

SR. INV. CARPENTER: Did any officers return fire before you returned fire?

OFFICER SMITH-RUSSACK: I believe so.

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SR. INV. CARPENTER: Do you--and do you know where from? Was it your right side, your left side?

OFFICER SMITH-RUSSACK: It all would have been from the right side as there was no one to the left of me.

SR. INV. THOMPSON: Why didn't you fire when you initially saw the gun? Or did you not--

OFFICER SMITH-RUSSACK: The gun was pulled out and fired, I'd say, before I could physically react to the situation. Immediately, I fired as I saw him fire.

SR. INV. CARPENTER: And how many rounds did you fire?

OFFICER SMITH-RUSSACK: I don't know.

SR. INV. CARPENTER: Now how many rounds were in the rifle?

OFFICER SMITH-RUSSACK: So if the--if the magazine is fully loaded, it would be 30 rounds.

SR. INV. CARPENTER: And when you check out the rifle, do you check to make sure it's fully loaded?

OFFICER SMITH-RUSSACK: I do now. But at the incident, I don't recall if I did or not.

SR. INV. CARPENTER: And can you kind of describe the mechanics of the rifle versus your actual firearm--

OFFICER SMITH-RUSSACK: Yeah.

SR. INV. CARPENTER: When you fire the shots, whatever.

OFFICER SMITH-RUSSACK: The rifle has a--there's less weight to the trigger. The trigger can be pulled easier and there's--less of a--a recoil on the rifle and there's the pistol so the hand moves less.

SR. INV. CARPENTER: Are you able to fire more shots out of a rifle than you would be out of a firearm?

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OFFICER SMITH-RUSSACK: Then a pistol, yes, ma'am.

SR. INV. CARPENTER: Than a pistol?

SR. INV. THOMPSON: And what are you looking through?

OFFICER SMITH-RUSSACK: I'm sorry.

SR. INV. THOMPSON: What are you looking through?

OFFICER SMITH-RUSSACK: Sorry--

SR. INV. THOMPSON: You said you reacted--

OFFICER SMITH-RUSSACK: The red--red dot scope.

SR. INV. CARPENTER: All right.

SR. INV. THOMPSON: Okay. Is it different than the hole you look at through your Sig Sauer?

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. THOMPSON: And what's the difference?

OFFICER SMITH-RUSSACK: So the Sig Sauer uses iron sights with little dots on them versus the AR which the--the specific one that I'm trained in has an illuminated red dot in the center that centers on the target.

SR. INV. CARPENTER: And when you fired your shot, what were you aiming for?

OFFICER SMITH-RUSSACK: I was aiming towards the suspect in the trunk?

SR. INV. CARPENTER: And what area?

OFFICER SMITH-RUSSACK: Center mass.

SR. INV. THOMPSON: And during your whole time that you have your rifle up and you're in this kneeling position, that's the best of your recollection. Do you have the red dot on the center mass of Mr. Duarte?

OFFICER SMITH-RUSSACK: At first it was in a low-ready

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position, when I first [UNINTELLIGIBLE] and then at some point as the situation evolved it was pointed at him.

SR. INV. THOMPSON: Do you know when you took it out of your--the rifle out of the low-ready position?

OFFICER SMITH-RUSSACK: I don't know specifically when.

SR. INV. THOMPSON: Okay. And what is the low-ready position on the rifle?

OFFICER SMITH-RUSSACK: On the rifle would be pointed at the--the ground in front of the suspect but not on their body.

SR. INV. THOMPSON: And you're still in the kneeling position.

OFFICER SMITH-RUSSACK: I believe so.

SR. INV. CARPENTER: When did you stop firing your weapon?

OFFICER SMITH-RUSSACK: When I saw that the subject had gotten limp and no longer posed a threat.

SR. INV. THOMPSON: Did you see what happened to the gun?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: Were the other officers still firing when you stopped firing?

OFFICER SMITH-RUSSACK: I'm not 100 percent sure.

SR. INV. CARPENTER: Or did you hear any other gunshots when you stopped [UNINTELLIGIBLE].

OFFICER SMITH-RUSSACK: I believe I did but it all happened very fast.

SR. INV. THOMPSON: How long do you think you heard gunshots?

OFFICER SMITH-RUSSACK: I really couldn't say. I mean, the entire thing happened in seconds so--I mean, we all reacted

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to a threat and then acknowledged the threat had been eliminated. This happened very fast. I can't say for sure.

SR. INV. THOMPSON: Do you know how many gunshots you heard?

OFFICER SMITH-RUSSACK: Because there was multiple shooters, I definitely couldn't say. Sorry.

SR. INV. CARPENTER: What is your--view impeded?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: Was there a concern about you hitting officers in front of you?

OFFICER SMITH-RUSSACK: There was a--definitely a tactical consideration but there--because there was no officers in front of me, I--knew that I wasn't going to hit any other officers.

SR. INV. CARPENTER: Were there any orders to stop firing weapons?

OFFICER SMITH-RUSSACK: Not that I heard.

SR. INV. CARPENTER: Were there any pedestrians nearby when the gunshots were fired?

OFFICER SMITH-RUSSACK: Not that I could see.

SR. INV. CARPENTER: Were there any pedestrians on your side of the sidewalk?

OFFICER SMITH-RUSSACK: Not--when the shots were fired, I don't believe there was any pedestrians on any side of the sidewalk. When we initially arrived, there was pedestrians but I don't believe they were there anymore.

SR. INV. CARPENTER: Okay. Were they on your side, initially?

OFFICER SMITH-RUSSACK: I don't recall where they were. I

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just know they were somewhere on the street or the sidewalk in front of us.

SR. INV. THOMPSON: Were there commands given to the pedestrians, if you can recall?

OFFICER SMITH-RUSSACK: I noticed that they both had their hands up but there was confusion over if they were involved or why they had their hands up, at least on--from me. I didn't know what--if they were involved or anything.

SR. INV. THOMPSON: And how long did you see them in the area?

OFFICER SMITH-RUSSACK: Maybe like 10 seconds.

SR. INV. CARPENTER: After you were--after you stopped firing your weapon, who was the closest officer to you?

OFFICER SMITH-RUSSACK: I believe Officer Carroll.

SR. INV. CARPENTER: And did you check in with Officer Carroll?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: And what did you say?

OFFICER SMITH-RUSSACK: I don't remember what words were exchanged but he checked to see if I had been hit by gunfire. And I assessed him the same way. I don't remember exactly what our conversation was.

SR. INV. CARPENTER: After you assessed--or after you and Officer Carroll assessed each other, what happened?

OFFICER SMITH-RUSSACK: Continued to give orders to the subject in the trunk with no response. But then approached the trunk and took the subject out of the trunk and into custody and then gave the female orders to exit the vehicle and took her

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into custody. And then medical aid was rendered immediately to the suspect who was in the trunk.

SR. INV. THOMPSON: What did you do with your rifle?

OFFICER SMITH-RUSSACK: My rifle was slung in the downward position, I believe.

SR. INV. THOMPSON: How did you help get Mr. Duarte out the trunk?

OFFICER SMITH-RUSSACK: I wasn't involved in--

SR. INV. THOMPSON: Oh, you weren't.

OFFICER SMITH-RUSSACK: Yeah. I mean, I--other than commands, I didn't grab him or anything.

SR. INV. CARPENTER: Did you stay in your position after? Or did you walk up to the vehicle?

OFFICER SMITH-RUSSACK: At some point I walked up to the vehicle.

SR. INV. CARPENTER: And is that when your rifle was slung, when you walked up to the vehicle? Or did you still have it pointed?

OFFICER SMITH-RUSSACK: I don't recall. I'm not 100 percent sure.

SR. INV. CARPENTER: After the shots were fired, did you inform anyone that there was still someone in the back seat of the vehicle?

OFFICER SMITH-RUSSACK: I don't know if I said that again or not. But it became apparent that they knew that there was someone else after because we started to order out, so I don't know how--when they became aware of that, but at some point it--because we started taking her out.

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SR. INV. CARPENTER: Why didn't you put on the radio that someone was in the backseat?

OFFICER SMITH-RUSSACK: Because I had relayed it to Officer Carroll. I figured we could say it on scene. Also because there was a Code 33, I wanted to keep the air as clear as possible.

SR. INV. CARPENTER: You didn't believe that that information would be pertinent to everyone else?

OFFICER SMITH-RUSSACK: I did. And that's why I relayed it to Officer Carroll. But as I was attempting to relay that, the subject in the back of the trunk was moving his hands.

SR. INV. CARPENTER: And was a paramedic requested?

OFFICER SMITH-RUSSACK: I didn't know that they for sure, I don't know if they were there prior. I don't know if they were standing by or not.

SR. INV. CARPENTER: Did you assist in getting the female out of the backseat of the vehicle?

OFFICER SMITH-RUSSACK: I pointed my firearm at her and gave her instructions but I did not put my hands on her at all.

SR. INV. THOMPSON: Did the female appear to comply with your commands?

OFFICER SMITH-RUSSACK: After the shots had been fired and we approached the car, then she did eventually. But not initially.

SR. INV. THOMPSON: Were you giving her commands separately?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: And what were you telling her?

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OFFICER SMITH-RUSSACK: I don't recall.

SR. INV. THOMPSON: Okay.

SR. INV. CARPENTER: And once she was removed from the vehicle, what did you do?

OFFICER SMITH-RUSSACK: Then I--once both of them were in custody, I noticed that there was rounds that looked like they had gone through one of the garage doors of a nearby house so I--entered that residence and made sure that there was nobody who was mistakenly hit by the shots in the building.

SR. INV. CARPENTER: And were there residents in the house?

OFFICER SMITH-RUSSACK: There were. I don't know about directly where the shots were fired but there were residents in the higher floors that came down.

SR. INV. CARPENTER: Did you speak to them?

OFFICER SMITH-RUSSACK: I did.

SR. INV. CARPENTER: And what did you say to them?

OFFICER SMITH-RUSSACK: I needed to check if there was any victims inside the house. Or the structure, the apartment building. I don't know what I said but--and then they let me in and gave me instructions how to get to the back of the garage and we searched up and down the stairs.

SR. INV. CARPENTER: And then what happened?

OFFICER SMITH-RUSSACK: We searched the area and determined that there was nobody was hit inside the house.

SR. INV. CARPENTER: And do you--did you leave a note?

OFFICER SMITH-RUSSACK: I did not personally leave a note.

SR. INV. CARPENTER: Okay. Was a note left?

OFFICER SMITH-RUSSACK: I don't know.

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SR. INV. CARPENTER: At this time, were there supervisors at the scene?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: When did you notice your first supervisor was on scene?

OFFICER SMITH-RUSSACK: I can't say for sure who the first one was--

SR. INV. CARPENTER: Or when did you notice that the supervisor was at the scene?

OFFICER SMITH-RUSSACK: I noticed that Lieutenant Banta was on the scene when I came back outside the house.

SR. INV. THOMPSON: How long were you inside of the house?

OFFICER SMITH-RUSSACK: Probably--around a minute or two.

SR. INV. CARPENTER: Did another officer conduct the search with you?

OFFICER SMITH-RUSSACK: Yes. Officer Wyncoop.

SR. INV. CARPENTER: Wyncoop?

OFFICER SMITH-RUSSACK: Yeah.

SR. INV. CARPENTER: And did you notify Dispatch that you were at that residence and that you were doing the search?

OFFICER SMITH-RUSSACK: No, I did not.

SR. INV. CARPENTER: Did Officer Wyncoop?

OFFICER SMITH-RUSSACK: I don't know if he did or not.

SR. INV. CARPENTER: Did you inform somebody that you would be there?

OFFICER SMITH-RUSSACK: I believe so but I don't recall which officer it would have been.

SR. INV. CARPENTER: And when you saw Lieutenant Banta

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outside the scene, did he approach you?

OFFICER SMITH-RUSSACK: He didn't approach me. He was gathering together the officers that were involved in the incident and giving further instructions so I went over.

SR. INV. THOMPSON: Could you hear what he was saying that make--that made you want to walk over to him?

OFFICER SMITH-RUSSACK: I believe someone else on the scene said that everybody involved was--needed to meet up in the area so that's why I went over there.

SR. INV. THOMPSON: Where was this area at in relation to the Honda Civic?

OFFICER SMITH-RUSSACK: I believe it was behind it on the sidewalk but I'm not sure where.

SR. INV. THOMPSON: To the right or left? Or--

SR. INV. THOMPSON: That would have been to the right on the west sidewalk.

SR. INV. CARPENTER: Did you provide a Public Safety Statement?

OFFICER SMITH-RUSSACK: I did.

SR. INV. CARPENTER: When?

OFFICER SMITH-RUSSACK: Back at the station.

SR. INV. CARPENTER: And who did you give the Public Safety Statement to?

OFFICER SMITH-RUSSACK: I believe it was to Sergeant Shugars.

SR. INV. CARPENTER: Were you transported back to Mission Station?

OFFICER SMITH-RUSSACK: I was.

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SR. INV. CARPENTER: By whom?

OFFICER SMITH-RUSSACK: I don't recall who was driving.

SR. INV. CARPENTER: And were you--were you by yourself? Do you remember how many people were in the vehicle with you?

OFFICER SMITH-RUSSACK: I think there was another person. I'm not sure.

SR. INV. CARPENTER: Was that--

OFFICER SMITH-RUSSACK: [UNINTELLIGIBLE] camera.

SR. INV. CARPENTER: Was that other person involved in the shooting as well?

OFFICER SMITH-RUSSACK: I don't recall. If there was, it wasn't and who it was if there was.

SR. INV. THOMPSON: So when you walked over to Lieutenant Banta with the other officers who were involved in the shooting, what happened at that point?

OFFICER SMITH-RUSSACK: We were instructed to keep our body-worn cameras rolling for the time being and that we would be transported back to Mission Station.

SR. INV. THOMPSON: And how long did you wait in that group before you were transported back?

OFFICER SMITH-RUSSACK: Not long. We were quickly transported back.

SR. INV. CARPENTER: Did you discuss the incident with anyone while you were there?

OFFICER SMITH-RUSSACK: No.

SR. INV. THOMPSON: How long did it take to get back to Mission Station?

OFFICER SMITH-RUSSACK: Maybe--30 seconds to a minute.

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Maybe more like a minute to a minute and 30 seconds.

SR. INV. CARPENTER: And when you got to Mission Station, what happened?

OFFICER SMITH-RUSSACK: I was separated from the other officers and asked to give a Public Safety Statement and I'm just--yeah.

SR. INV. CARPENTER: Where were [UNINTELLIGIBLE]--

SR. INV. THOMPSON: Where were [UNINTELLIGIBLE]--

OFFICER SMITH-RUSSACK: Oh, I'm sorry.

SR. INV. THOMPSON: Where in Mission Station?

OFFICER SMITH-RUSSACK: In the big lunch room. Upstairs.

SR. INV. THOMPSON: Were you also read the blue card or given that admonishment? Do you know what the blue card is as far as like your safety and--

OFFICER SMITH-RUSSACK: I believe so, yeah.

SR. INV. CARPENTER: Do you recall who gave you that?

OFFICER SMITH-RUSSACK: It was another Sergeant. I'm not sure who it was.

SR. INV. CARPENTER: Who else was with you in the lunch room?

OFFICER SMITH-RUSSACK: There was an officer--I'm sorry. Griffin was there for awhile. There was also an officer I think was from the [SER] team. So they switched out. Various points.

SR. INV. THOMPSON: What was their role with you?

OFFICER SMITH-RUSSACK: I--I think just to monitor me. I'm not 100 percent sure what instructions they were given but they were just talking to me during it.

SR. INV. THOMPSON: Did you talk about the incident with

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them?

OFFICER SMITH-RUSSACK: No. Not specifically, no.

SR. INV. CARPENTER: And how were you feeling at that time?

OFFICER SMITH-RUSSACK: Just adrenaline. And, you know, stress.

SR. INV. THOMPSON: How were you feeling--how did you feel when you saw Mr. Duarte fire his gun?

OFFICER SMITH-RUSSACK: In imminent fear that one of us was going to be hurt or killed.

SR. INV. THOMPSON: And how did you feel immediately after you stopped firing your weapon?

OFFICER SMITH-RUSSACK: Still under stress. And, you know, obviously having adrenaline rush.

SR. INV. THOMPSON: How did you feel on that ride back to Mission Station from the scene?

OFFICER SMITH-RUSSACK: I mean, still the same thing. Stress and coming down from the adrenaline.

SR. INV. THOMPSON: I just want to go back a little bit. How did you feel when you were walking through the home to see if there were any victims?

OFFICER SMITH-RUSSACK: I'm not exactly sure how I felt. I mean, I was obviously stressed and I urgently wanted to--not sure I described that but I urgently wanted to make sure that no one was hurt and if anybody was then we could immediately, you know, could provide them medical.

SR. INV. THOMPSON: Was that your primary focus?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Was your weapon confiscated? Was the

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rifle taken from you when you got to Mission Station?

OFFICER SMITH-RUSSACK: Yes. At Mission Station.

SR. INV. CARPENTER: What about your firearm? Was that taken as well?

OFFICER SMITH-RUSSACK: That was not taken.

SR. INV. CARPENTER: What about your body-worn camera?

OFFICER SMITH-RUSSACK: That was taken.

SR. INV. CARPENTER: Do you know by whom?

OFFICER SMITH-RUSSACK: I believe CSI.

SR. INV. CARPENTER: And who took your rifle?

OFFICER SMITH-RUSSACK: Think it was initially taken by a Sergeant and then ultimately handed over to the Range staff that was there.

SR. INV. CARPENTER: So did you still have it still on?

OFFICER SMITH-RUSSACK: I did--

SR. INV. CARPENTER: While you were on your--while you were transported to Mission Station?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. CARPENTER: Were you injured as a result of this incident?

OFFICER SMITH-RUSSACK: I was not.

SR. INV. THOMPSON: Just want to go back to the rifle. It has a strap that you can sling over your body.

OFFICER SMITH-RUSSACK: Yes, ma'am.

SR. INV. CARPENTER: Did you experience any perceptual distortions? Sight, sound, time, memory loss, disassociation?

OFFICER SMITH-RUSSACK: Not that I'm aware.

SR. INV. CARPENTER: And what time did you go home that

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night? Or that morning?

OFFICER SMITH-RUSSACK: Would have been hours later. I don't remember when but it was significant amount of time had passed before we went home.

SR. INV. CARPENTER: Was it--so you worked 16:00 to 02:00.

OFFICER SMITH-RUSSACK: Yes, sir.

SR. INV. CARPENTER: Was it past your 02:00?

OFFICER SMITH-RUSSACK: Yes. Yes, definitely.

SR. INV. THOMPSON: Do you know how long you were in the lunchroom?

OFFICER SMITH-RUSSACK: I don't. I believe it was morning, early morning when we left the station.

SR. INV. CARPENTER: Did you leave with other officers?

OFFICER SMITH-RUSSACK: Think--yeah, I think we all left at the same time. I'm not 100 percent sure. I mean, there's various sequence for talking to lawyers, and talking to--the Behavioral Science Unit. I don't know exactly when, if everybody left the same time, different times.

SR. INV. CARPENTER: Okay. And how did you get home that night?

OFFICER SMITH-RUSSACK: I drove myself home.

SR. INV. CARPENTER: Or that morning.

SR. INV. THOMPSON: Did you meet with your POA Rep at the station?

OFFICER SMITH-RUSSACK: Yes.

SR. INV. THOMPSON: Do you know what time that was? Or when--

OFFICER SMITH-RUSSACK: I couldn't tell you. I'm sorry.

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POA ATTY. NOBLES: That would have been me.

SR. INV. THOMPSON: Yes. [LAUGH] And that would be Mr. Nobles?

POA ATTY. NOBLES: I was just checking my notes.

SR. INV. THOMPSON: Yeah. [LAUGH] Was it still dark outside, if you can recall?

OFFICER SMITH-RUSSACK: When I met with Mr. Nobles?

SR. INV. THOMPSON: Yes.

OFFICER SMITH-RUSSACK: I couldn't tell you. I believe it was.

SR. INV. THOMPSON: Did you meet with anyone else to give the statement to?

OFFICER SMITH-RUSSACK: Just the Public Safety Statement.

SR. INV. THOMPSON: Just--that's it?

OFFICER SMITH-RUSSACK: Yeah, that would have been it.

SR. INV. CARPENTER: And when did you first provide a statement regarding the incident? Other than a Public Safety Statement.

OFFICER SMITH-RUSSACK: Other than the Public Safety [Incident], I believe it would have been--during the--the written portion to the Homicide, for the Homicide interview.

SR. INV. CARPENTER: Do you know who you provided that statement to?

OFFICER SMITH-RUSSACK: I believe--Mr. Nobles provided it to the appropriate party.

SR. INV. CARPENTER: And you said that you were able to review your body-worn camera footage and Officer Nagai's?

OFFICER SMITH-RUSSACK: Yes.

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SR. INV. CARPENTER: Body-worn camera footage? And was that before the Homicide interview?

OFFICER SMITH-RUSSACK: That was.

SR. INV. CARPENTER: Did you provide a verbal statement to the officer preparing the Incident Report?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: And did you provide a written statement for the Report?

OFFICER SMITH-RUSSACK: No.

SR. INV. THOMPSON: How were you feeling when you went home or were allowed to go home finally?

OFFICER SMITH-RUSSACK: Still stressed, still coming back from adrenaline.

SR. INV. THOMPSON: What was stressful about it?

OFFICER SMITH-RUSSACK: That--that--that myself and other officers were placed in imminent danger of death and that--that the suspect was deceased.

SR. INV. CARPENTER: Anything?

SR. INV. THOMPSON: I don't think so.

POA ATTY. NOBLES: I don't have anything. No.

SR. INV. CARPENTER: Is there any other statement relevant to this incident you wish to make at this time?

OFFICER SMITH-RUSSACK: No, ma'am.

SR. INV. CARPENTER: Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

OFFICER SMITH-RUSSACK: No.

SR. INV. CARPENTER: You may submit material to DPA, IAD,

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and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview, if possible. Is there anything else you would like the Chief to consider in that regard?

OFFICER SMITH-RUSSACK: No, ma'am.

SR. INV. CARPENTER: The interview is concluded. The time now is 4:01 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER JOSHUA TUPPER, #4115

DATE OF INTERVIEW: 04/09/2019

SR. INV. CANDACE CARPENTER: This interview regarding DPA Case Number 0097-18 is taking place at the Department of Police Accountability on April 9th, 2019 at 3:56 p.m. Conducting this interview is myself, Senior Investigator Candace Carpenter, and Attorney Tinnetta Thompson. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation. The member being interviewed is Joshua Tupper, star number 4115, who is a named officer in this matter. Representing Officer Tupper is--

POA ATTY. DON NOBLES: Don Nobles, POA Attorney.

SR. INV. CARPENTER: Officer Tupper, have you read the DPA Form 293 and Allegation Form regarding the allegations of misconduct?

OFFICER JOSHUA TUPPER: Yes.

0SR. INV. CARPENTER: Officer Tupper, because there may be criminal culpability on your part, I want to be certain you understand the following rights. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these rights that I have explained to you?

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OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And with these rights in mind, would you like to answer my questions now?

OFFICER TUPPER: No.

SR. INV. CARPENTER: While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Department of Police Accountability of the San Francisco Police Commission. I have been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in Administrative discipline, including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you+ criminally unless you choose to testify in such a criminal case. Do you understand this order?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Officer Tupper, will you answer my questions as ordered at this time?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And per the recording, I note that Officer Tupper has handed me a DPA Administrative Interview Advisement Form which bears his signature, star number, and today's date. I also note that the form has been signed by h is POA Representative, Attorney Don Nobles. I will store this form

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in the DPA file for this case. Thank you. Are you prepared to be interviewed at this time?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay. So this interview is regarding an incident regarding a person with a gun that occurred on March 6th, 2018 starting at approximately 10:36 p.m. at 20th and Capp Street. The subjects in the incident, Mr. Jesus Delgado-Duarte will be referred to as Mr. Duarte or Duarte. Mr. [redacted] will be referred to as Mr. [redacted]. And [redacted] will be referred to as Mrs. [redacted]. So we're going to just have you in detail explain what occurred. We're not going to interrupt you. Just based on your memory, what happened from the beginning to the end. Then we'll talk about your background and then we'll talk about specific parts of the incident. Okay?

OFFICER TUPPER: Okay.

SR. INV. CARPENTER: All right. So what happened on March 6th, 2018?

OFFICER TUPPER: We were going westbound 20th. As approaching Capp Street a person flagged us down, pointing up--or southbound Capp, yelling--or not yelling. But stating "Pistola, pistol". So as we--or as we turned up Capp going southbound, I saw a person dive into the trunk of the vehicle. And then Officer Cassinelli pulled up behind that vehicle, put on his lights and sirens. The vehicle pulled off a little bit. And then when the lights and sirens hit, it pulled back. The trunk was still ajar with the person in it. Their feet were orientated--well, I guess that would be west while in the trunk.

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Other units came for back-up. Officer Cassinnelli put out, you know, Code 33 and other radio traffic. I can't remember what exactly--what--and then I was focused on the person in the trunk. They got to a point where we gave the driver commands to get out of the car. And then he was walked back and taken into custody. And then we were working on the person in the trunk, giving him commands, which he wasn't complying with. We gave him commands in both English and Spanish. Not myself personally but another officer came on-scene, went over the PA. She gave commands in Spanish. We used less lethal option which was the ERIW. After that he continued to reach down and then a wave of people were--or officers were saying, you know, "Stop reaching, stop reaching. Let me see your hands." And again, they were giving him both English and Spanish. And then shortly after the less lethal option. He reached back--he reached down behind where we couldn't see, came up, showed his hand again. His right hand was propping the trunk open. As he was sitting there. Kept reaching down. Up, like, we'd give the command to "stop reaching" or "let me see your hands", and then after a second time of doing that--well, it happened multiple times, but after he pointed out, I saw a muzzle flash and then--caused me to fall back, get up, and then return fire.

SR. INV. CARPENTER: Did you review any documents to prepare for this interview?

OFFICER TUPPER: My--interview with Homicide and then the transcripts of my IA interview.

SR. INV. CARPENTER: Did you review any videos related to this incident?

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OFFICER TUPPER: No.

DPA ATTY. TINNETTA THOMPSON: And when you say your interview with Homicide, do you mean the audio interview? You listened to--

OFFICER TUPPER: Yes. Yes. Sorry about that.

SR. INV. CARPENTER: How many times have you been interviewed regarding this incident?

OFFICER TUPPER: This will be my third.

SR. INV. CARPENTER: As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Is there anything that was not covered in those interviews that you had with Homicide or IAD that you would like to add to the record at this time?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Is there anything that you'd like to clarify?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Okay. Other than your Rep or Attorney, have you spoken to anyone else about this case?

OFFICER TUPPER: No.

SR. INV. CARPENTER: And how long have you been employed by SFPD?

OFFICER TUPPER: From hire date or from--like being off Probation?

SR. INV. CARPENTER: Hire date.

OFFICER TUPPER: So hire date was--I'll say [redacted].

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SR. INV. CARPENTER: And when you were off Probation?

OFFICER TUPPER: Recently. I should know the date. Been like five or six months now? So sometime in--want to say last December.

DPA ATTY. THOMPSON: How long is Probation?

OFFICER TUPPER: A year long period.

DPA ATTY. THOMPSON: Yeah. So around 20--December 2016 was your hire date?

OFFICER TUPPER: No, it was prior to that because there's a three-month field training program as well. Or roughly three months.

SR. INV. CARPENTER: At the time of this incident, were you on Probation?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And where were you stationed at the time of the incident?

OFFICER TUPPER: Mission Station.

SR. INV. CARPENTER: And how long were you assigned to Mission?

OFFICER TUPPER: At that point, roughly three months.

SR. INV. CARPENTER: Three months. And what was your assigned sector?

OFFICER TUPPER: That night?

SR. INV. CARPENTER: That night, yes.

OFFICER TUPPER: I don't recall.

SR. INV. CARPENTER: And where are you currently stationed?

OFFICER TUPPER: Southern Station.

SR. INV. CARPENTER: And did you request the transfer to

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Southern Station?

OFFICER TUPPER: No, that's a permanent. So after Probation, you move to the permanent station.

SR. INV. CARPENTER: Okay. Have you worked at any other law enforcement agency?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Had you had any previous involvement with [redacted] prior to this incident?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Had you had any previous involvement with [redacted] prior to this incident?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Had you had any previous involvement with Jesus Delgado-Duarte prior to this incident?

OFFICER TUPPER: No.

[redacted]

SR. INV. CARPENTER: Okay. And you were on duty March 6th, 2018. Is that correct?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And what was your shift?

OFFICER TUPPER: Midnights.

SR. INV. CARPENTER: And how many hours of sleep had you had

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before your shift?

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: So what are the hours for midnights?

OFFICER TUPPER: 9 p.m. to 7 a.m.

SR. INV. CARPENTER: How much sleep do you [UNINTELLIGIBLE] get prior to your shift?

OFFICER TUPPER: It varies. But I would say anywhere from 7 to 10 hours.

SR. INV. CARPENTER: What time did you arrive at work that day? On March 6th?

OFFICER TUPPER: I don't recall.

SR. INV. CARPENTER: Did you make line-up?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And did you have a partner?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And who was your partner?

OFFICER TUPPER: Officer Cassinelli.

SR. INV. CARPENTER: And between you and your partner, who was the senior officer?

OFFICER TUPPER: Officer Cassinelli.

SR. INV. CARPENTER: And how long had you worked with Officer Cassinelli?

OFFICER TUPPER: I couldn't--I don't know.

SR. INV. CARPENTER: Was it within the three months you were at Mission?

OFFICER TUPPER: [UNINTELLIGIBLE]

SR. INV. CARPENTER: Was he always your partner?

OFFICER TUPPER: No, I varied from person to person, who

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I was with.

DPA ATTY. THOMPSON: Can we pause just one second because I only have odd-numbered pages.

SR. INV. CARPENTER: Oh, sure.

DPA ATTY. THOMPSON: Yeah.

SR. INV. CARPENTER: The time now is 4:11 p.m. and we're gonna pause this interview.

[BREAK IN AUDIO]

SR. INV. CARPENTER: The time now is 4:14 p.m. and the interview is concluding--or is continuing. We didn't discuss anything during that brief break, correct?

OFFICER TUPPER: No.

POA ATTY. NOBLES: No.

SR. INV. CARPENTER: All right. Do you wear glasses?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Do you wear prescription contact lenses?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Can you please describe the uniform you were wearing that day?

OFFICER TUPPER: I don't--I don't recall.

DPA ATTY. THOMPSON: What do you think you were wearing? Or normal shift working midnights in March?

OFFICER TUPPER: Probably my Class B and a jacket.

DPA ATTY. THOMPSON: What does that look like? Does it have your star number? Does it have--

OFFICER TUPPER: Yeah.

DPA ATTY. THOMPSON: The patches?

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OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Does it have your name?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Did you have your radio?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And what equipment did you have on your person?

OFFICER TUPPER: Handcuffs, magazines, flashlight, radio. [UNINTELLIGIBLE] And my Department-issued firearm.

SR. INV. CARPENTER: And what was your primary weapon? That day? [UNINTELLIGIBLE]

OFFICER TUPPER: A rifle.

SR. INV. CARPENTER: And do you carry a back-up weapon?

OFFICER TUPPER: No.

DPA ATTY. THOMPSON: So how does that work if you have a rifle? You just carry it?

OFFICER TUPPER: No, it's--

DPA ATTY. THOMPSON: Oh, that--

OFFICER TUPPER: It's in a rack which is locked within the vehicle.

SR. INV. CARPENTER: And that was your primary weapon that day?

OFFICER TUPPER: Well, that's not your primary. This would be my primary but--

SR. INV. CARPENTER: Which one would be your primary?

OFFICER TUPPER: My pistol.

SR. INV. CARPENTER: So.

DPA ATTY. THOMPSON: What kind of gun is that?

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OFFICER TUPPER: Sig 226.

DPA ATTY. THOMPSON: Is that Sig Sauer?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Did you have your body-worn camera?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And was your Sig Sauer fully loaded?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And did you have any spare magazines?

OFFICER TUPPER: Two.

SR. INV. CARPENTER: Two? And how many bullets did you have when you started your shift?

OFFICER TUPPER: In these?

SR. INV. CARPENTER: In your weapon [chest].

OFFICER TUPPER: Think that would be 37 total. Yeah.

DPA ATTY. THOMPSON: And that includes the one in the--the bullet in the chamber.

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: And then the 12 in the magazine.

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Well, I am now familiar with that term.

SR. INV. CARPENTER: Yes, you are.

DPA ATTY. THOMPSON: [LAUGH]

SR. INV. CARPENTER: What less lethal options did you have on your person?

OFFICER TUPPER: Pepper spray, my [cell], baton.

SR. INV. CARPENTER: Were you in a vehicle?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And what type of vehicle were you in?

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OFFICER TUPPER: Crown Victoria.

SR. INV. CARPENTER: And was it marked?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Were you the passenger?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And what equipment did you have in your vehicle?

OFFICER TUPPER: Can you clarify?

SR. INV. CARPENTER: Did you have your rifle in your vehicle?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Did you have the ERIW in y our--

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay. [UNINTELLIGIBLE]

DPA ATTY. THOMPSON: Now do all of the marked patrol cars have the rifle I them or do you have to sign that out before each shift? How does that work?

OFFICER TUPPER: You have to sign out the rifle before each shift.

DPA ATTY. THOMPSON: And was this rifle assigned to you or is it assigned to a car? Or to--

OFFICER TUPPER: I guess I always sign it out so it would be assigned to me for that day.

SR. INV. CARPENTER: Would you sign out the ERIW? Or is it already in the vehicle?

OFFICER TUPPER: Same--same process.

SR. INV. CARPENTER: So.

DPA ATTY. THOMPSON: Do you normally sign out the rifle when

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you're on patrol?

OFFICER TUPPER: Typically, yes.

SR. INV. CARPENTER: And who was your supervisor that night?

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: And what type of training have you received regarding felony traffic stops?

OFFICER TUPPER: Just standard training at the Academy.

DPA ATTY. THOMPSON: What does that entail?

OFFICER TUPPER: Can you be more specific?

DPA ATTY. THOMPSON: Yeah. What type of training with regards to felony stop did you receive at the Academy? Simulations? Course work?

OFFICER TUPPER: Course work. And then like actual reps and simulated traffic stops.

DPA ATTY. THOMPSON: And what do you mean by reps?

OFFICER TUPPER: Practicing how to conduct a proper traffic stop or felony traffic stop.

DPA ATTY. THOMPSON: What would that be, like role-playing too as well?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: What type of training had you received regarding barricaded suspects?

OFFICER TUPPER: Same. Just Academy training.

SR. INV. CARPENTER: And what did that entail?

OFFICER TUPPER: Coursework. Scenarios with role-players.

SR. INV. CARPENTER: Okay. And what type of training had you received regarding suspects in trunks?

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OFFICER TUPPER: In terms of specificity? I don't recall.

SR. INV. CARPENTER: What type of training had you received regarding armed suspects?

OFFICER TUPPER: Academy training.

SR. INV. CARPENTER: Does the FACTS training deal with armed suspects?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Do you guys--can you kind of describe what the FACTS training is?

OFFICER TUPPER: That is a--a video scenario where there are several potential outcomes, given that one scenario. And so the video response can--go several paths. And there are armed suspects within those scenarios.

SR. INV. CARPENTER: And how many hours do you get on the FACTS machine?

OFFICER TUPPER: I don't know.

DPA ATTY. THOMPSON: What does that stand for?

OFFICER TUPPER: I don't know.

DPA ATTY. THOMPSON: So it's like you're sitting at a computer?

OFFICER TUPPER: No. You're standing.

DPA ATTY. THOMPSON: Standing?

OFFICER TUPPER: Standing. Yeah, they give you a simulation firearm, simulation pepper spray.

DPA ATTY. THOMPSON: And can you describe this whole thing? Yeah.

OFFICER TUPPER: It's a large screen which displays a

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live--or a--the best--so it's like about an 8 by 12 screen, roughly. That's approximate. That displays a video and you're supposed to react based off of what's presented to you in that video.

SR. INV. CARPENTER: And what type of training had you received regarding law enforcement tactics?

OFFICER TUPPER: Academy training.

SR. INV. CARPENTER: Such as?

OFFICER TUPPER: Well, that's very specific in nature in terms of depending what type of tactic you're speaking of. So. That's in general--

SR. INV. CARPENTER: Do you learn about tactical communication?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Can you tell me a little bit about your tactical communication training?

OFFICER TUPPER: Given what scenario?

DPA ATTY. THOMPSON: Well, how would it look in the Academy then? Or continuing on training? Like how would that look as far as communication training?

OFFICER TUPPER: So it would be specific to that exact situation you're in. So would you like me to provide you an example?

DPA ATTY. THOMPSON: Yes, please.

SR. INV. CARPENTER: Yes, please.

OFFICER TUPPER: For example, someone's undergoing a lot of stress or say it's a 5150 call, which is a mentally disturbed person. There's different ways to approach them or speak with

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them. For example, lowering my voice so they can't hear me. And so it makes them stop and ask, you know, what's going on. That would be an example.

DPA ATTY. THOMPSON: And how much tactical training did you receive in the Academy?

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: Were there certifications in tactical training available to you in the Academy or just as a process to pass and become an officer?

OFFICER TUPPER: I don't know.

SR. INV. CARPENTER: Do you speak any other languages?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Per DGO 5.02, Use of Firearms, what is your understanding of the authorized circumstances that an officer may handle and draw firearms?

OFFICER TUPPER: With the risk of great bodily injury or death.

SR. INV. CARPENTER: [UNINTELLIGIBLE] What are the permissible circumstance an officer may discharge a firearm? Do you have the DGO?

DPA ATTY. THOMPSON: No, I think [UNINTELLIGIBLE] that.

SR. INV. CARPENTER: Grabbed it.

DPA ATTY. THOMPSON: Hm-hmm. [UNINTELLIGIBLE]

SR. INV. CARPENTER: Would you like for me to--

OFFICER TUPPER: Sure.

SR. INV. CARPENTER: Print it out so you can reference it?

OFFICER TUPPER: That's be--

SR. INV. CARPENTER: The time now is 4:24 p.m. and we're

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going to pause the interview.

[BREAK IN AUDIO]

SR. INV. CARPENTER: The time now is 4:26 p.m. and the interview is continuing. And just for the record, Officer Tupper is reviewing General Order 5.02, Use of Firearms. Okay. And so what are the permissible circumstances an officer may discharge a firearm?

OFFICER TUPPER: In--when it's imminent danger for serious bodily injury or death to themselves or another person, to prevent the escape of a person who has committed a violent felony, and it's believed that the person will commit harm to--death or serious bodily injury to others.

SR. INV. CARPENTER: At the Academy, were you trained to fire your weapon in controlled pairs and then access the threat?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: How extensively did you go over DGO 5.02 in the Academy?

OFFICER TUPPER: We were tested on it regularly.

SR. INV. CARPENTER: And so, just for the record, can you explain what "controlled pairs" means?

OFFICER TUPPER: It would be a sequence of shots. So an example would be three and then stop, assess to see if the threat is still there.

SR. INV. CARPENTER: And is this done in Range?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: And going back to 5.02, how were you tested on this DGO 5.02? Was it simulation? Was it course

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work? Was it role play?

OFFICER TUPPER: There are simulations or scenarios that we undergo where these have to be implemented in a practical use. We also have a written test that we have to pass at the end of FTO. It's either FTO or the Academy, I'm not sure.

SR. INV. CARPENTER: Okay, so you use controlled pairs? And you said that--is that Range?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: You--okay. And how many hours of Range time did you get?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: In Academy training? And when you say "assess", what does that mean? So you use controlled pairs, you fire, and then you assess. What does that entail?

OFFICER TUPPER: Observing to see what the initial threat was, to see if it still--holds that same threat.

SR. INV. CARPENTER: And had you received CIT training?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Have you since?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Had you received Advanced Officer training?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Have you since received Advanced Officer training?

OFFICER TUPPER: No, I have it in--a month or so.

SR. INV. CARPENTER: Okay. Had you received de-escalation training?

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OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: In your Academy, were you guys trained on the new Use of Force policy? DGO 5.01?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Okay.

OFFICER TUPPER: Had you received crisis negotiation training?

SR. INV. CARPENTER: I can't recall.

DPA ATTY. THOMPSON: No, okay.

SR. INV. CARPENTER: Okay. Now we're gonna get to the scene. What were you doing prior to your--two patrolling 20th and Capp Street?

OFFICER TUPPER: I can't recall.

DPA ATTY. THOMPSON: Had you responded to any other calls for service that evening? Prior to responding to this call?

OFFICER TUPPER: I believe so.

DPA ATTY. THOMPSON: Anything of significance do you remember, you respond to those calls?

OFFICER TUPPER: No.

SR. INV. CARPENTER: So a victim of a robbery flagged you down?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay. Did you notice the victim? Were they talking to you? Or can you kind of talk about that? Were your windows rolled down?

OFFICER TUPPER: My windows were rolled down. He was in the middle of the intersection. We pulled into the intersection. He ran up to the window. Pointed up--or

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southbound Capp. And stated "Pistola, pistola."

DPA ATTY. THOMPSON: What window did the victim approach?

OFFICER TUPPER: Front passenger's side.

DPA ATTY. THOMPSON: So your side?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: And when he--when you're driving up, about how fast are you going?

OFFICER TUPPER: I don't--I don't know. Yeah. I--I can't recall from that. [UNINTELLIGIBLE]

DPA ATTY. THOMPSON: The--

OFFICER TUPPER: We came to a stop.

DPA ATTY. THOMPSON: And you said that the--the--who you believed to be a victim was in the middle of the street. What were they doing to make you notice them?

OFFICER TUPPER: Waving their arms over their head.

DPA ATTY. THOMPSON: This was a man?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Did he tell you anything else besides "Pistola, pistola", and point in the direction?

OFFICER TUPPER: No. Not that I can recall.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: So what made you believe that this was a victim of a robbery?

OFFICER TUPPER: His behavior.

DPA ATTY. THOMPSON: What about the words "Pistola, pistola"? What did that mean to you?

OFFICER TUPPER: Pistol.

DPA ATTY. THOMPSON: Okay. Did you know that beforehand?

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OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Okay. Are you familiar with Spanish words or conversational Spanish or--

OFFICER TUPPER: I guess conversational Spanish? Just basic phrases.

DPA ATTY. THOMPSON: And what did "Pistola" sound like to you?

OFFICER TUPPER: Pistol.

SR. INV. CARPENTER: So after the man flagged you down and said "Pistola, pistol", what did you do?

OFFICER TUPPER: When he pointed southbound Capp, Officer Cassinelli turned up Capp and [UNINTELLIGIBLE] guy jumped into the trunk of the vehicle.

SR. INV. CARPENTER: But--

DPA ATTY. THOMPSON: What's this--I'm sorry about that. What was this man's demeanor like when he approached the window?

OFFICER TUPPER: Emotionally elevated and so--I guess.

DPA ATTY. THOMPSON: What was the tone of his voice when he was saying, "Pistola, pistola"?

OFFICER TUPPER: Elevated.

DPA ATTY. THOMPSON: Elevated. And how did he appear to you?

OFFICER TUPPER: Frantic.

SR. INV. CARPENTER: At that point were you using the radio to communicate what you described after--

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Okay. So Officer Cassinelli turned on Capp. Right? You saw someone jump into the trunk. And what

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did you do?

OFFICER TUPPER: Well, he pulled behind the vehicle.

SR. INV. CARPENTER: Okay.

OFFICER TUPPER: He initiated the lights. And put out the Code 33. I grabbed the rifle and concentrated on the person in the trunk.

SR. INV. CARPENTER: And when did you activate your body-worn camera?

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: Do you remember activating it?

OFFICER TUPPER: I don't recall.

SR. INV. CARPENTER: So you got your rifle out. And then what happened? So were you standing up with your rifle? Were you--

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Crouched? You were standing up--

OFFICER TUPPER: I was--yeah, I was standing up, propped in the passenger side door.

DPA ATTY. THOMPSON: And how far were you from the Honda Civic?

OFFICER TUPPER: I'm not sure for certain.

DPA ATTY. THOMPSON: What were the weather conditions like that evening?

OFFICER TUPPER: Clear.

DPA ATTY. THOMPSON: Clear?

OFFICER TUPPER: Yeah.

DPA ATTY. THOMPSON: Was there anything obstructing the patrol car you were in and the Honda Civic?

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OFFICER TUPPER: In terms of view?

DPA ATTY. THOMPSON: View. Anything. On the ground. People.

OFFICER TUPPER: No.

DPA ATTY. THOMPSON: And where was the driver at, at this time?

OFFICER TUPPER: When we initially pulled up?

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: In the driver's seat.

DPA ATTY. THOMPSON: Was the door open or closed on the driver's side?

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: Do you recall seeing any interior lights on in the car?

OFFICER TUPPER: Don't recall.

DPA ATTY. THOMPSON: Do you recall seeing the exterior lights on?

OFFICER TUPPER: Like the headlights?

DPA ATTY. THOMPSON: The headlights, yeah.

OFFICER TUPPER: No, it's on the other side. I--I don't recall.

SR. INV. CARPENTER: Brake lights?

OFFICER TUPPER: Don't recall.

SR. INV. CARPENTER: Okay. So you--you're propped in between the passenger door and with your rifle. Then what'd you do?

OFFICER TUPPER: I maintained focus on the person I the trunk.

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SR. INV. CARPENTER: Okay. Did you give any commands?

OFFICER TUPPER: Throughout, I can't remember exactly what, but yes, more so like for him to stop reaching and to let me see his hands.

SR. INV. CARPENTER: Did you use your radio at any time?

OFFICER TUPPER: No.

SR. INV. CARPENTER: During that point? Any time during the incident, did you use your radio?

OFFICER TUPPER: Not that I recall.

SR. INV. CARPENTER: Do you recall when the other officers, back-up officers arrived at the scene?

OFFICER TUPPER: Did I call?

SR. INV. CARPENTER: No, no. Do you recall when the back-up officers responded to the scene?

OFFICER TUPPER: No, I was--

SR. INV. CARPENTER: Who--do you remember who the first--the first unit who arrived as back-up?

OFFICER TUPPER: No. I was just focused on the person in the trunk.

SR. INV. CARPENTER: Who was next to you while you were providing cover directly?

OFFICER TUPPER: I didn't know. During the incident, you mean, who came and gave commands to my left? Or who's to my right? There was a lot of people on my--like--

SR. INV. CARPENTER: Oh, were they--oh, so you--

OFFICER TUPPER: There were a lot of people.

SR. INV. CARPENTER: So you moved from the passenger seat? Or the passenger side door?

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OFFICER TUPPER: Are you asking who was driving the vehicle?

SR. INV. CARPENTER: No, no, no, no. Right next to you. So you said you remained in cover. You didn't--the only commands that you provided to Mr. Duarte were "Let me see your hands, let me see your hands, stop reaching."

OFFICER TUPPER: Hm-hmm.

SR. INV. CARPENTER: Correct?

OFFICER TUPPER: Yeah.

SR. INV. CARPENTER: So when back-up units were coming, who came to your immediate right? Who was the closest to you?

OFFICER TUPPER: To my immediate right?

SR. INV. CARPENTER: Right. So are you on the passenger side?

OFFICER TUPPER: Yeah. I'm on the passenger side. I don't know who's to my immediate right.

SR. INV. CARPENTER: Okay. Who were the other cover officers that were near you?

OFFICER TUPPER: There were a lot of officers that--like I said, I was focused on the person in the trunk. I wasn't concerned with what the other officers were doing.

SR. INV. CARPENTER: Okay. Did you speak to any other officers?

OFFICER TUPPER: I can't remember.

SR. INV. CARPENTER: So was Officer Cassinelli providing most of the orders and commands to the driver of the vehicle?

OFFICER TUPPER: Initially.

SR. INV. CARPENTER: Of the Honda Civic?

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OFFICER TUPPER: Initially, yes.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: Now from the time you were flagged down by the victim that was yelling out, "Pistola, pistola," to the time you got out of your car and positioned yourself with your rifle toward the trunk of the Honda Civic, how much time had passed?

OFFICER TUPPER: I don't know.

DPA ATTY. THOMPSON: Less than ten minutes? Less than five minutes?

OFFICER TUPPER: Guess it was relative to the--to the way it--versus how it felt because it felt very fast but I was unsure on how long it actually was.

DPA ATTY. THOMPSON: How long did it feel to you?

OFFICER TUPPER: Couple minutes. Like the entire incident felt a couple minutes.

DPA ATTY. THOMPSON: Okay.

OFFICER TUPPER: But.

DPA ATTY. THOMPSON: And what made it feel fast to you?

OFFICER TUPPER: I couldn't speak on why the perception of time is the way it is. Like--I don't know why certain days feel longer, certain days feel short. So.

SR. INV. CARPENTER: Was it longer--or did it seem short because you were speaking fast? Your adrenaline was pumping?

OFFICER TUPPER: I couldn't educatedly speak on that. Like.

SR. INV. CARPENTER: Okay. Did you run the vehicle plates after exiting the patrol vehicle? The vehicle plates on the

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Honda Civic?

OFFICER TUPPER: The trunk was popped open. Couldn't [UNINTELLIGIBLE]--

SR. INV. CARPENTER: Oh, you couldn't see the plates.

DPA ATTY. THOMPSON: Are you using your radio at this time?

OFFICER TUPPER: Didn't use my radio.

DPA ATTY. THOMPSON: You didn't?

OFFICER TUPPER: No. Officer Cassinelli put out the regular traffic.

DPA ATTY. THOMPSON: But at any time did you use your radio or--communicating with any other officers through your radio?

OFFICER TUPPER: No, he was taking primary on that. I was focused on the person who was in the trunk.

SR. INV. CARPENTER: Did you speak to him? Did you guys talk back and forth just verbally?

OFFICER TUPPER: Officer Cassinelli?

SR. INV. CARPENTER: You and Officer Cassinelli, yes.

OFFICER TUPPER: Briefly. He was mainly giving the person in the trunk commands.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: In what language were those commands in?

OFFICER TUPPER: From Officer Cassinelli?

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: English.

DPA ATTY. THOMPSON: And after Officer Cassinelli would give a command, what would be--what did you see the person in the trunk do? If anything.

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OFFICER TUPPER: So--hm. I can't recall specific commands and responses from the person in the trunk. But when an array of "stop reachings" were given by all the officers on scene to the person in the trunk, he would go down, reach down, and then present his hand again or show his hand again. And then it would be repeated. I'm not sure how many times.

DPA ATTY. THOMPSON: Now was the person in the trunk, Mr. Duarte, using any other hand to control the trunk?

OFFICER TUPPER: His right hand was propping up the trunk.

DPA ATTY. THOMPSON: Okay. About how far up from the lock now. If you can estimate.

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: Now did you see the trunk light come on at any point or trunk light at all?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Could you see inside the trunk? What did you see?

OFFICER TUPPER: A person sitting in the trunk.

SR. INV. CARPENTER: Could you see his face?

OFFICER TUPPER: I was mainly focused on his hands.

SR. INV. CARPENTER: Okay. Could you see his torso?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Did you see his legs?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: Why were you focused on his hands?

OFFICER TUPPER: Because hands--in the Academy hands are

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taught to--what can cause you injury. Usually that's what people use for weapons.

SR. INV. CARPENTER: Okay. Okay. Exhibit 1 is a diagram of the scene? And can you--just for the record, can you initial it, what--in the corner?

DPA ATTY. THOMPSON: In the corner, in the corner.

SR. INV. CARPENTER: With a date.

DPA ATTY. THOMPSON: Oh, put your name, star number, and today's date in the corner.

SR. INV. CARPENTER: And circle the vehicle that you were in.

OFFICER TUPPER: Is this indicating a door was open? I'm not sure what that is.

SR. INV. CARPENTER: Yeah, I didn't write the diagram. I think so.

OFFICER TUPPER: 'Cause I would say it's not to scale so I--

SR. INV. CARPENTER: Okay. Does it say "not to scale"? It says "not to scale"?

OFFICER TUPPER: Yeah, so I'm not sure if the alignment is prob--you know.

SR. INV. CARPENTER: Oh, I see.

OFFICER TUPPER: I know where I was in relation so these don't depict where I was at all.

SR. INV. CARPENTER: Okay. Well, can you just--

OFFICER TUPPER: I have no idea.

SR. INV. CARPENTER: You don't know where you were?

OFFICER TUPPER: In terms of this? No. Because none of

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these give a--possibly this one but it was more--I was in direct with the trunk.

SR. INV. CARPENTER: Okay. Ca you just draw the vehicle that you think--if you were directly in line with the trunk--

OFFICER TUPPER: Yeah, so like the [UNINTELLIGIBLE]--

SR. INV. CARPENTER: Then you can make your own vehicle. Then make your vehicle--

OFFICER TUPPER: I'll put a door out like this. And then you said just an X?

DPA ATTY. THOMPSON: An X and your initials. And then circle the car.

SR. INV. CARPENTER: And were you there the entire incident?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Was this--

OFFICER TUPPER: We was initially--yes, we were the initial unit.

SR. INV. CARPENTER: Okay. So you didn't make any movements--

OFFICER TUPPER: No.

SR. INV. CARPENTER: That was your only movement? Okay. Were you concerned about cover?

OFFICER TUPPER: Can you clarify?

SR. INV. CARPENTER: Were you concerned about being hit by a weapon or any--

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Other--things that could cause you harm or injury?

OFFICER TUPPER: Yes.

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DPA ATTY. THOMPSON: Why?

OFFICER TUPPER: Because the door's considered concealment. Meaning, it's not bullet-proof.

DPA ATTY. THOMPSON: And at this time what were the lighting conditions like at the scene? In the scene. At the scene.

OFFICER TUPPER: I can't recall in terms of street lights. But he was illuminated by our headlights. So.

SR. INV. CARPENTER: At this time did Mr. Duarte say anything?

OFFICER TUPPER: Can't recall. Mr. Duarte's the person in the trunk--

SR. INV. CARPENTER: In the trunk.

OFFICER TUPPER: Correct?

SR. INV. CARPENTER: Yes. At any time did Officer Cassinelli ask Mr. Duarte to get out of the trunk?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: What were the commands--I'm sorry. Let's go back. So the driver of the vehicle. You stated that Officer Cassinelli ordered the driver of the Honda Civic to exit the vehicle.

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Did the driver comply?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay. Do you know who the arresting officers were, of the driver of the Honda Civic?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Okay. After the driver of the Civic was arrested, detained, Officer Cassinelli then focused his

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attention on Mr. Duarte in the trunk?

OFFICER TUPPER: I can't speak on what he did. I don't know. Because like I said, I was focused on him. I wasn't--

SR. INV. CARPENTER: Okay.

OFFICER TUPPER: Observing his--

SR. INV. CARPENTER: So after the driver of the vehicle got out of the vehicle, what happened?

OFFICER TUPPER: He was taken into police custody.

SR. INV. CARPENTER: And then what happened?

OFFICER TUPPER: I don't know. I just remember he was given both commands in English and Spanish.

SR. INV. CARPENTER: In Spanish? Who was giving him Spanish commands?

OFFICER TUPPER: I don't recall.

SR. INV. CARPENTER: Okay. But you recall hearing Spanish?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Commands?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Do you remember the response from the person in the trunk, what the Spanish commands?

OFFICER TUPPER: Can you clarify?

DPA ATTY. THOMPSON: Yes. Did you see the person in the trunk make any hand movements or any movements with any body parts? Did you see the person in the trunk or hear the person make any responding remarks or anything?

OFFICER TUPPER: Verbally, no. Physically, he was responding with both English and Spanish commands in terms of "stop reaching" or "let me see your hands" when he would go

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down. So that would usually cause our--that would cause officers on scene to say "stop reaching" or "let me see your hands, let me see your hands," in which he would respond by bringing his hand back up.

SR. INV. CARPENTER: Were there any commands for him to exit the trunk?

OFFICER TUPPER: I can't recall.

DPA ATTY. THOMPSON: Did you make any commands?

OFFICER TUPPER: To exit the trunk?

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: No.

DPA ATTY. THOMPSON: Did you make any commands at all to the person in the trunk? If I can clarify--

SR. INV. CARPENTER: Yeah, [UNINTELLIGIBLE]--see hands, let me see your hands, and stop reaching?

DPA ATTY. THOMPSON: Okay. And that's what you said right now? Thank you. Did you make these commands up until the commands were given in Spanish? Or did you keep giving commands after the person that was giving Spanish commands came on-scene?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Could you plainly see the make and model of the vehicle? The suspect vehicle? That Mr. Duarte was in?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: Do you recall the color? Of the car?

OFFICER TUPPER: I'm not sure if it was a dark--a dark color because in the lighting it looked black.

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SR. INV. CARPENTER: Had you been in that type of situation before?

OFFICER TUPPER: Felony traffic stop?

SR. INV. CARPENTER: Where an individual would not exit the vehicle?

OFFICER TUPPER: A felony traffic stop or a person in a trunk.

SR. INV. CARPENTER: A felony traffic stop where an individual wouldn't exit the vehicle.

OFFICER TUPPER: That would not exit the vehicle?

SR. INV. CARPENTER: Yeah.

OFFICER TUPPER: No.

DPA ATTY. THOMPSON: How about a person barricading themselves inside of somewhere?

OFFICER TUPPER: No.

SR. INV. CARPENTER: How are you trained to deal with non-compliant individuals?

OFFICER TUPPER: In what situations?

SR. INV. CARPENTER: When they don't respond to your orders or commands?

OFFICER TUPPER: It would be specific for each individual's situation.

DPA ATTY. THOMPSON: Dealing with if they have a weapon or a firearm on them?

OFFICER TUPPER: Again, even that depends the situation I'm in. So you have to react fluid to the scenario or situation you're given.

DPA ATTY. THOMPSON: Give us an example of when you've had

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to deal with this situation like that, with the firearm, giving commands. Have you?

OFFICER TUPPER: When a person had a firearm on them?

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: No.

DPA ATTY. THOMPSON: How about a weapon?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Okay. And how did you react or how did you deal with that situation?

OFFICER TUPPER: Gave them--or what--excuse me, sorry, I may have misspoke. Where they were reluctant or they didn't comply with my commands?

SR. INV. CARPENTER: Right.

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: No, everyone's complied up until then.

DPA ATTY. THOMPSON: And I think I can just clarify because I probably have missed a couple of things. You arrive. You are flagged down by this victim who's telling, "Pistola, pistola" which you interpret as "pistol", "gun". Officer Cassinelli parks the car.

OFFICER TUPPER: Does not park the car.

DPA ATTY. THOMPSON: Didn't park the car.

OFFICER TUPPER: No.

DPA ATTY. THOMPSON: Okay.

OFFICER TUPPER: He's at--we're in the intersection.

DPA ATTY. THOMPSON: Hm-hmm.

OFFICER TUPPER: He pulls up. He comes [UNINTELLIGIBLE], says what he says. And then he pulls off.

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DPA ATTY. THOMPSON: Oh, okay.

OFFICER TUPPER: Southbound Capp.

DPA ATTY. THOMPSON: And that's what you--and then what happens next?

OFFICER TUPPER: The entire incident.

DPA ATTY. THOMPSON: Just break that down. Yeah. Because we're kind of going piecemeal but it's not coming together as far as I want to know what happened, like, so a person was arrested, the driver. So what happens? Like how do you see that? Do you get out of your car first? Kind of break that down.

OFFICER TUPPER: So where are--what is unclear? Just so I can be specific.

DPA ATTY. THOMPSON: Oh, yeah, no. What's unclear is how do you get from the location where you're flagged down, to where you get out of your car and are giving the commands and have your rifle pointed at the back of the trunk?

OFFICER TUPPER: We drive southbound Capp. We see the person jump into the trunk of the car. He activates the lights and sirens. The car--initially pulls off. And then immediately pulls back.

DPA ATTY. THOMPSON: Okay. And then what about the driver? Where does that all happen? The driver getting arrested?

OFFICER TUPPER: At this point I'm already fixed at the person in the trunk. Officer Cassinelli gives him commands. Multiple officers have already responded as back-up. There is an arrest team. I'm not sure who it is. Officer Cassinelli gives the driver commands to get out of the vehicle, which he

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complies. He is then walked--I'm not--again, not sure in specificity of commands but he's given commands which he complies. And then he's taken into police custody.

DPA ATTY. THOMPSON: Then let's go back to where we were.

OFFICER TUPPER: I just did.

SR. INV. CARPENTER: Oh, okay. Were you at a location of disadvantage in this incident?

OFFICER TUPPER: Trying to find the best words for it. I guess we're always at disadvantage because we're reactionary, meaning I don't know what the person's next movement might be. So you're always in a position of disadvantage.

DPA ATTY. THOMPSON: So you have to basically wait to figure out what's going to happen next, right?

OFFICER TUPPER: In that scenario?

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Or should I say, is that what you mean by reactionary? Is that--

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: You have to wait for the person?

OFFICER TUPPER: So there's something called perception reaction time, meaning even if I see what you're doing and, for example, would be if I throw this pen at you, right? Your brain has to perceive what's actually going on and then there's a reaction gap, meaning even if you see what's going on, it takes time for your body to react.

SR. INV. CARPENTER: So after the driver was arrested by the arrest team, what is now your primary concern?

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OFFICER TUPPER: Well, I've always been concerned about the person in the trunk.

SR. INV. CARPENTER: Mr. Duarte?

OFFICER TUPPER: Yeah.

DPA ATTY. THOMPSON: How are you positioning your rifle?

OFFICER TUPPER: What--

DPA ATTY. THOMPSON: Is it pointed at the trunk? Is it in the low-ready position? I mean--

OFFICER TUPPER: It's pointed at the trunk.

SR. INV. CARPENTER: A particular area in the trunk?

OFFICER TUPPER: At Mr. Duarte.

SR. INV. CARPENTER: Okay. His torso, his head?

OFFICER TUPPER: Torso.

SR. INV. CARPENTER: Torso? Why his torso?

OFFICER TUPPER: Because that's center mass.

DPA ATTY. THOMPSON: And what does that mean?

OFFICER TUPPER: The highest probability of--of my--the highest probability of my--the highest probability of hitting the target.

SR. INV. CARPENTER: Who determined to request a Spanish-speaking officer?

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: Do you know how much time had passed before the Spanish-speaking officer arrived?

SR. INV. CARPENTER: Officer Banegas.

OFFICER TUPPER: Yeah, I don't recall how much time passed.

SR. INV. CARPENTER: Do you recall Officer Banegas being at

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the scene?

OFFICER TUPPER: At the time I didn't--I don't think I knew who she was.

SR. INV. CARPENTER: Okay.

OFFICER TUPPER: 'Cause I was brand new at the station but she was to the left of me.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: How far away was she from you?

OFFICER TUPPER: Within an arm's reach.

SR. INV. CARPENTER: Was she using a bull horn? Was she using a bull horn?

OFFICER TUPPER: A PA system.

SR. INV. CARPENTER: Oh. It's a PA system that you guys--

OFFICER TUPPER: I believe so. I--I don't think it was a bull horn. I don't know if it was a bull horn or the PA.

SR. INV. CARPENTER: Okay.

OFFICER TUPPER: I just know it was a--amplifying her voice.

SR. INV. CARPENTER: Okay. How did you and Officer [Castenadas] decide the division of labor? Like that you were gonna pull out the rifle and be cover and that he was gonna issue the commission--

OFFICER TUPPER: Issue the commands over the radio.

SR. INV. CARPENTER: Yeah, issue the commands?

OFFICER TUPPER: It's fairly standard in terms of felony stops 'cause if we were both giving commands, it can cause confusion for the person who will be receiving the commands? So as soon as he initiated, I decided to take the role of providing

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cover.

DPA ATTY. THOMPSON: Is he the more senior officer of the two of you?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Is he your regular partner? Or at the time?

OFFICER TUPPER: No. I was fresh on Probation so I would--it would vary who I was with, partnered with.

SR. INV. CARPENTER: At any point did you pull your rifle back and talk to any of the officers that were providing cover?

OFFICER TUPPER: I don't recall.

SR. INV. CARPENTER: When Officer Banegas got on-scene and did the translations in Spanish, did you see Mr. Duarte's reaction as she gave him commands in Spanish?

OFFICER TUPPER: I kind of touched on that but--

SR. INV. CARPENTER: Oh, okay.

OFFICER TUPPER: I wasn't sure if it was his responses were from Spanish or from English.

DPA ATTY. THOMPSON: But what did you see?

OFFICER TUPPER: Him beginning to reach with his left hand down, which caused an array of commands to first stop reaching or let me see your hands from the officers on scene. So--and those were given--I am not sure if it was simultaneously or it was in response to his action so--

SR. INV. CARPENTER: Do you know what commands Officer Banegas was giving him in Spanish?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Okay.

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DPA ATTY. THOMPSON: Do you know how many times Mr. Duarte reached or you couldn't see one of his hands?

OFFICER TUPPER: Multiple.

DPA ATTY. THOMPSON: Multiple.

DPA ATTY. THOMPSON: And this was even after the Spanish-speaking officer, Officer Banegas arrived on scene?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: The ERIW was fired at Mr. Duarte in the trunk. Do you know which officer fired the ERIW?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Did you hear the notification that a ERIW would be--

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Fired?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And what was that like? What did he--what did he say?

OFFICER TUPPER: Well, it's a--it's an echo-and-command where it's red light, red light, less lethal, less lethal. Which signals everyone on scene the less lethal option that is specific towards ERIW is about to being used.

SR. INV. CARPENTER: And did you repeat those words?

OFFICER TUPPER: I can't recall.

DPA ATTY. THOMPSON: Would you have repeated those words?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: And is that what you're trained to do?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Why did you pull out your rifle versus

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your ERIW at the initial felony stop?

OFFICER TUPPER: Due to the nature of the incident, the person had a pistol.

DPA ATTY. THOMPSON: Do you recall seeing any other units with their rifles out or any other officers?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Did you know how many individuals were in the Honda Civic?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Did you know that there was someone in the backseat of the car, of the Honda Civic?

OFFICER TUPPER: Not until after.

SR. INV. CARPENTER: After?

OFFICER TUPPER: The shots.

SR. INV. CARPENTER: Okay. Are you familiar with DGO 8.02, Hostage and Barricaded Suspects?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Was this an incident of a barricaded suspect? I don't have the full DGO but here are the [Phillip] training bullets regarding it--

OFFICER TUPPER: Yeah.

SR. INV. CARPENTER: Just for your--so you can review.

[WHISPERING BETWEEN INVESTIGATORS, UNINTELLIGIBLE]

OFFICER TUPPER: Sorry. What was the question?

SR. INV. CARPENTER: Would it be helpful to use--see the whole DGO? That's just--

OFFICER TUPPER: Oh, no, I--

SR. INV. CARPENTER: A summary. Okay.

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OFFICER TUPPER: Yeah, no. The question.

SR. INV. CARPENTER: What was the question? Oh. I think all I do is ask you were you aware of the DGO?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay. And then I think--no, I'm sorry. I asked you was this incident of a barricaded suspect. This particular incident. Was this a barricaded suspect incident?

OFFICER TUPPER: Initially it was just a--a felony stop.

SR. INV. CARPENTER: Okay. And then did it turn into a barricaded suspect incident?

OFFICER TUPPER: It's uncertain at that point.

SR. INV. CARPENTER: Did normal police procedures fail to bring about an arrest of Mr. Duarte?

OFFICER TUPPER: Can you clarify?

SR. INV. CARPENTER: Based on the DGO, it lists some of the reasons why we would use--or it describes what a barricaded suspect would be. And scenarios of a barricaded suspect and then it states that in these instances, if a police procedure fails to bring in the hostage negotiator or other forms who bring that barricaded suspect out and arrest them.

OFFICER TUPPER: So the question is?

SR. INV. CARPENTER: Did normal police practices fail to bring about an arrest of Mr. Duarte?

OFFICER TUPPER: I don't know.

SR. INV. CARPENTER: Was there an attempt to use a hostage negotiator?

OFFICER TUPPER: I don't know.

SR. INV. CARPENTER: Who would have made that decision?

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OFFICER TUPPER: Had it been declared a barricaded suspect? I'm not sure.

SR. INV. CARPENTER: Did you receive any instruction from a supervisor while you were at the scene?

OFFICER TUPPER: I don't know. I can't recall.

SR. INV. CARPENTER: Were you listening to your radio?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: In this incident?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Did you hear any supervisors speak on the--

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Was there any radio traffic?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: It was a Code 33, correct?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And what does that mean?

OFFICER TUPPER: That's to clear the air, meaning like something significant is going on.

SR. INV. CARPENTER: And who can typically speak over the air during a Code 33?

OFFICER TUPPER: Dispatch. The officer requesting a Code 33. And then supervisors.

SR. INV. CARPENTER: Okay. And why is--

OFFICER TUPPER: Or any--actually any unit potentially involved so--

SR. INV. CARPENTER: Is it used to figure out areas that are safe officers to approach? Why do we use a Code 33?

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OFFICER TUPPER: The Code 30--so it could be a variety--again, it's specific to each individual scenario. Full pursuit. You think something may go south, then you call it as a precautionary--building searches.

SR. INV. CARPENTER: Who determine that an ERIW should be used? So one was fired. Who determined that?

OFFICER TUPPER: The person who fired the ERIW.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: At this point, when the ERIW was fired, do you know what other officers are around you?

OFFICER TUPPER: No.

SR. INV. CARPENTER: How close were you to the officer that fired the ERIW?

OFFICER TUPPER: I believe--I don't know where he was at.

SR. INV. CARPENTER: Okay. How many ERIW rounds were fired?

OFFICER TUPPER: I don't recall.

SR. INV. CARPENTER: How did Mr. Duarte respond after being hit by the bean bag?

OFFICER TUPPER: I don't recall.

SR. INV. CARPENTER: You said earlier that you were fixated on him?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: But you don't recall how he reacted when he got hit by the ERIW?

OFFICER TUPPER: Today? No.

SR. INV. CARPENTER: Today. After Mr. Duarte was hit by the ERIW, what happened?

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OFFICER TUPPER: He was given additional commands, both in English and Spanish. Continued to reach down. Show his hand. Reach down. And then eventually escalate to the point where he presented it, saw a muzzle flash, and the sequence of it--you know, the entire incident occurred.

SR. INV. CARPENTER: What was the timeframe between when he got hit by the ERIW when you saw the muzzle flash?

OFFICER TUPPER: I'm not sure.

SR. INV. CARPENTER: Less than a minute?

OFFICER TUPPER: I'm not sure.

SR. INV. CARPENTER: What was Mr. Duarte's demeanor prior to you seeing the muzzle flash?

OFFICER TUPPER: Can you be specific?

DPA ATTY. THOMPSON: Any body language that you see to--

OFFICER TUPPER: I see him prop--propping open the trunk. Mainly what I see. Him sitting in the trunk, propping it. Propping it open.

SR. INV. CARPENTER: Okay. Did he say anything prior to the muzzle flash?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Did you see the muzzle flash before you heard anything? So you saw a muzzle flash, right? Muzzle flash?

OFFICER TUPPER: Hm-hmm.

SR. INV. CARPENTER: Did you hear the bullet?

OFFICER TUPPER: It all happened very quick so I can't recall.

SR. INV. CARPENTER: I think you stated earlier that you saw

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the muzzle flash and you fell back and then you fired your--the rifle?

OFFICER TUPPER: Hm-hmm.

SR. INV. CARPENTER: Is that correct?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay. Did you hear shots being fired when you fell back?

OFFICER TUPPER: I can't recall.

DPA ATTY. THOMPSON: Then how did you fall back? How was your body positioned?

OFFICER TUPPER: I was propped in the door. So I was--

DPA ATTY. THOMPSON: And what do you mean, "propped in the door". I'm sorry [UNINTELLIGIBLE].

OFFICER TUPPER: So the door's open. There's a window frame. I'm sitting in that window frame. Well, not sitting. I'm standing in the window frame.

SR. INV. CARPENTER: Were you bent?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Is that when you moved--

OFFICER TUPPER: Hinged at the hips.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: And are you looking at Mr. Duarte or are you looking through the rifle?

SR. INV. CARPENTER: So you're able to do both with a red dot, both eyes open, and still see the red dot. It'll--it'll--I'm not sure how it actually works. But that's how it works. Where you could have both eyes open, still see what you're looking as well as the sight.

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DPA ATTY. THOMPSON: And this is different if you're--like your firearm.

OFFICER TUPPER: Yes, yes.

SR. INV. CARPENTER: Okay. So you were looking through the sight of the--

OFFICER TUPPER: The red dot.

SR. INV. CARPENTER: The red--

OFFICER TUPPER: Yeah.

SR. INV. CARPENTER: The red dot, though.

OFFICER TUPPER: Yeah.

SR. INV. CARPENTER: Okay.

DPA ATTY. THOMPSON: So it kind of like how you see on TV, like the little circular grid, like if they're saying like if you're looking through like a rifle, that type of thing?

OFFICER TUPPER: You mean like on TV--

DPA ATTY. THOMPSON: Like, it's like a red--

SR. INV. CARPENTER: Like a scope. Not like a scope but--

OFFICER TUPPER: I don't know what you guys are watching so it's--[LAUGH]

DPA ATTY. THOMPSON: We watch the same things. [LAUGH]

SR. INV. CARPENTER: You know, like the circular--I don't know. It looks like a magnifying glass?

DPA ATTY. THOMPSON: It looks like a magnifying glass.

OFFICER TUPPER: Can I draw on this?

SR. INV. CARPENTER: Here. Let's draw on the Exhibit 1. Now let's see. We'll have you draw on the back of Exhibit 1.

OFFICER TUPPER: So. Let's just say that's a red dot. So--and you see as you're normally seeing, except that red dot's

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there.

SR. INV. CARPENTER: And so is that what you're looking through?

OFFICER TUPPER: My right eye. Let's do this one?

SR. INV. CARPENTER: Hm-hmm.

OFFICER TUPPER: Both eyes are open. So it's--co [UNINTELLIGIBLE].

DPA ATTY. THOMPSON: Oh. Both eyes are open.

OFFICER TUPPER: Yeah.

DPA ATTY. THOMPSON: You're not like--

OFFICER TUPPER: From my--

DPA ATTY. THOMPSON: Okay.

OFFICER TUPPER: Yeah. No, I'm not like this.

DPA ATTY. THOMPSON: Blinking, yeah.

SR. INV. CARPENTER: Okay. And is it like propped up on the rifle?

OFFICER TUPPER: Yes. So that this is--so this is the--

SR. INV. CARPENTER: It's attached to the--

OFFICER TUPPER: Yeah. It'll be on top. Let's say that's the body of it. So it will be sitting on the top frame.

SR. INV. CARPENTER: Okay.

OFFICER TUPPER: Or rail.

SR. INV. CARPENTER: And that's what you're using? For the--you're using to [UNINTELLIGIBLE]?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: And you're trained to use both firearms in the Academy.

OFFICER TUPPER: The rifle and then the--

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DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Describe your breathing before you fired your rifle?

OFFICER TUPPER: My breathing?

SR. INV. CARPENTER: Yes.

OFFICER TUPPER: Wasn't paying much attention to my breathing.

SR. INV. CARPENTER: Was it normal?

OFFICER TUPPER: I can't recall.

DPA ATTY. THOMPSON: What's going through your mind after you see the muzzle flash?

OFFICER TUPPER: Think it was just reactionary.

DPA ATTY. THOMPSON: And why did you fire your weapon?

OFFICER TUPPER: Because he used deadly force.

SR. INV. CARPENTER: Did you see the gun?

OFFICER TUPPER: I just saw the muzzle flash.

DPA ATTY. THOMPSON: Okay.

SR. INV. CARPENTER: Can you describe your breathing while you were firing your weapon?

OFFICER TUPPER: I can't.

DPA ATTY. THOMPSON: Does it matter when you decided to fire your weapon that you know that other officers are around with their firearms? Or it just about you and that person that you see with the deadly weapon?

OFFICER TUPPER: You mean, like my decision based off of those around me? No.

DPA ATTY. THOMPSON: Yes.

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OFFICER TUPPER: I have full responsibility on what I do with my firearm.

SR. INV. CARPENTER: How many rounds did you fire?

OFFICER TUPPER: Can't recall.

DPA ATTY. THOMPSON: More than one?

OFFICER TUPPER: Multiple, yes.

SR. INV. CARPENTER: How many did you fire before you assessed?

OFFICER TUPPER: I can't recall.

SR. INV. CARPENTER: Did you stay in your--the same position? You said you were hinged--

OFFICER TUPPER: At the hips?

SR. INV. CARPENTER: Yeah, at the hips. Did you stay in that position?

OFFICER TUPPER: While firing?

SR. INV. CARPENTER: Yes.

OFFICER TUPPER: No, because I fell back, stood up.

SR. INV. CARPENTER: Oh, you stood up.

OFFICER TUPPER: Yeah.

SR. INV. CARPENTER: Okay. So you were standing while you were firing?

OFFICER TUPPER: Well, I was standing the entire time. But what--it's hard to--unless I can demonstrate what hinged at the hips means. Slight bend in the knee. Hinged at the hips meaning like--are you familiar with working out at all?

SR. INV. CARPENTER: Squats. Would it be--

OFFICER TUPPER: RDLs.

SR. INV. CARPENTER: RDLs?

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OFFICER TUPPER: Yeah. Where you're in a fixed position but you're hinging your hips back so it--your hamstrings take up most of the--the bulk weight of your body.

SR. INV. CARPENTER: Okay. So not [UNINTELLIGIBLE]--

DPA ATTY. THOMPSON: Can you stand up and illustrate? I'm a visual person. Sorry. [LAUGH]

OFFICER TUPPER: Easy.

DPA ATTY. THOMPSON: Yeah.

OFFICER TUPPER: So if the frame was right here, I had a slight bend in the knee. Hinging my hips back right here. So the door frame's right here that I'm looking through.

SR. INV. CARPENTER: Okay. Yeah, 'cause squat would be uncomfortable. I was gonna ask, squatting would be difficult to stay that long or, you know, long amount of time without your quads hurting. But you were more slightly bending the back forward with the hinge. It's like more of like--what do you call it? RDL?

OFFICER TUPPER: Yeah. Reverse dead lift.

DPA ATTY. THOMPSON: Okay, thank you.

SR. INV. CARPENTER: Reverse dead lift. What was your sequence of fire? Was it fast pairs of bursts?

OFFICER TUPPER: Bursts? We have semi-automatic rifles. We can't do bursts.

SR. INV. CARPENTER: Oh, I was just--like she used [UNINTELLIGIBLE]. So.

OFFICER TUPPER: But a burst would indicate like multiple--multiple rounds with one trigger pull. Which would be [UNINTELLIGIBLE]--

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SR. INV. CARPENTER: [UNINTELLIGIBLE]

DPA ATTY. THOMPSON: Automatic, right.

OFFICER TUPPER: Well, double action is just meaning--

SR. INV. CARPENTER: The first one is.

OFFICER TUPPER: No. It doesn't mean two come out. Double action means it's a sequence of the hammer coming back versus it going forward. So it's heavier on the first one and after that it's reset so it's set to a--a lighter trip [UNINTELLIGIBLE] on the second one. That's what double action means.

SR. INV. CARPENTER: Okay. So were you're--so I'm sorry. You said your rifle wouldn't do a burst. Would it do pairs or would it be fast?

OFFICER TUPPER: That, yeah. Fast is relative to the--each person so.

SR. INV. CARPENTER: Okay. So you--

DPA ATTY. THOMPSON: So you're just pulling the trigger.

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: Okay.

OFFICER TUPPER: So with every trigger pull, one bullet comes.

SR. INV. CARPENTER: Okay. Can you describe your trigger control?

OFFICER TUPPER: I don't even know what you mean by that.

SR. INV. CARPENTER: When you were firing your weapon, were you firing for accuracy or were you firing for speed.

OFFICER TUPPER: You're always firing for accuracy. So

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you shouldn't--

SR. INV. CARPENTER: Okay. So you were firing for accuracy?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: What's going through your mind when you're firing the rifle?

OFFICER TUPPER: Said it was--I can't recall.

SR. INV. CARPENTER: Was your view ever impeded when you fired your weapon? And what were you aiming for?

OFFICER TUPPER: Person in the trunk.

SR. INV. CARPENTER: What area?

OFFICER TUPPER: His torso.

SR. INV. CARPENTER: So you aimed at his torso when you were firing? I'm sorry. Was that a yes?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: When did you stop firing your weapon?

OFFICER TUPPER: To assess.

SR. INV. CARPENTER: And after you assessed, did you have to re-load?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Were you ordered to stop firing?

OFFICER TUPPER: No.

SR. INV. CARPENTER: How close were you to the trunk when you were firing?

OFFICER TUPPER: Can't recall.

SR. INV. CARPENTER: How close were you to the trunk for the whole entire incident?

OFFICER TUPPER: In the same position I was from the

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start to the end.

SR. INV. CARPENTER: And how far away is that?

OFFICER TUPPER: I don't know.

SR. INV. CARPENTER: When you were trained in the Academy for the felony stops, do they--are you trained to make the felony stop a specific distance from the suspect vehicle?

OFFICER TUPPER: Can't recall.

DPA ATTY. THOMPSON: Could you tell if any of your shots hit Mr. Duarte?

OFFICER TUPPER: Mine specifically?

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: I could not.

SR. INV. CARPENTER: What did you do after you stopped firing your weapon?

OFFICER TUPPER: I assessed. Shortly after, that's when the female came up to the rear windshield. And--I remember they had an arrest team for her. And then we being rendering aid. Medics came--

DPA ATTY. THOMPSON: Who was rendering aid? I'm sorry.

OFFICER TUPPER: I can't remember who for sure. I just remember someone saying, "Get an AED." So I went to the trunk of my vehicle to get an AED.

DPA ATTY. THOMPSON: What is that?

OFFICER TUPPER: I can't remember what the acronym stands for.

DPA ATTY. THOMPSON: What is it?

OFFICER TUPPER: It's a--like a defibrillator.

DPA ATTY. THOMPSON: Okay.

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SR. INV. CARPENTER: So did you see the female in the rear windshield?

OFFICER TUPPER: Not until after.

SR. INV. CARPENTER: Right after--

OFFICER TUPPER: Yeah.

SR. INV. CARPENTER: You assessed, you said you saw her?

OFFICER TUPPER: Hm-hmm.

SR. INV. CARPENTER: And then you heard other officers and then you heard the other officers say someone's in the backseat or--or what--how did that go?

OFFICER TUPPER: No, I saw her. I can't remember what--

SR. INV. CARPENTER: Oh.

OFFICER TUPPER: Other officers were saying but I saw her come up through the rear windshield. Not like through it but--in the, I guess frame of the window. Yeah.

DPA ATTY. THOMPSON: Could you tell it was a woman?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Did you notify anyone that you saw her?

OFFICER TUPPER: I can't recall.

DPA ATTY. THOMPSON: How long did the gunshots last?

OFFICER TUPPER: Seconds.

DPA ATTY. THOMPSON: Did the arrest team come before you went and got the AED out of your trunk, to get the female out the rear of the car?

OFFICER TUPPER: It's hard to remember but I remember--they were--already render--rendering aid for the person in the trunk and that's when I heard, "Someone get an AED," and I went to the trunk.

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DPA ATTY. THOMPSON: What did you do next?

OFFICER TUPPER: Medics--shortly after I was looking for the AED, medics came on-scene and they took over care for the person in the trunk.

SR. INV. CARPENTER: And then what did you do?

OFFICER TUPPER: We--then went back to--the people who fired their firearms. Went back to Mission Station.

DPA ATTY. THOMPSON: How did you get there?

OFFICER TUPPER: We were transported. Can't remember who but--another officer took me.

DPA ATTY. THOMPSON: Were you given the Public Safety Admonition? And like the blue card read to you?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: When was that done?

OFFICER TUPPER: At Mission Station.

DPA ATTY. THOMPSON: At Mission Station. And as you're being transported back to Mission Station, who was in the car with you?

OFFICER TUPPER: I don't recall.

DPA ATTY. THOMPSON: Was it any other officers involved in the shooting?

OFFICER TUPPER: I don't remember for certain but I guess.

DPA ATTY. THOMPSON: How are you feeling at this time?

OFFICER TUPPER: Can't remember.

DPA ATTY. THOMPSON: How long did it take you to get back to Mission Station?

OFFICER TUPPER: Couple minutes.

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DPA ATTY. THOMPSON: And where were you put at Mission Station when you got there?

OFFICER TUPPER: Want to say it was the CIT Sergeant's Office. Yeah, the CIT Sergeant's Officer.

SR. INV. CARPENTER: Was that on the second floor?

OFFICER TUPPER: Yes.

DPA ATTY. THOMPSON: At this time, is anybody else in the office with you?

OFFICER TUPPER: In terms of who--

DPA ATTY. THOMPSON: Anyone?

OFFICER TUPPER: Sergeant--I gave my statement with Sergeant Shugars. And then Sergeant Mahoney, he--generally what--another acronym, but it's like a--anytime like a critical incident or something like that response team comes out for people who undergo like the traumatic incident.

DPA ATTY. THOMPSON: And how are you feeling at this point?

OFFICER TUPPER: When I was speaking with Sergeant Mahoney?

DPA ATTY. THOMPSON: Yes.

OFFICER TUPPER: We were asked if I wanted to even--talk about my feelings and it said I didn't. [LAUGH] And I think we tried to--I can't remember what we talked about.

DPA ATTY. THOMPSON: And how long were you in that office? The CIT Sergeant's office?

OFFICER TUPPER: Awhile. I can't--I don't know how long. Just for like a--long time.

DPA ATTY. THOMPSON: Over an hour?

OFFICER TUPPER: Not certain.

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SR. INV. CARPENTER: Did you speak to anyone at the scene after the shooting?

OFFICER TUPPER: Regarding?

DPA ATTY. THOMPSON: The exit--

OFFICER TUPPER: The incident? I--can't remember.

SR. INV. CARPENTER: What happened to your weapon?

OFFICER TUPPER: Which one?

SR. INV. CARPENTER: Oh. Was your rifle confiscated?

OFFICER TUPPER: CSI later came and took the rifle.

SR. INV. CARPENTER: Were your handgun--was your handgun confiscated?

OFFICER TUPPER: No.

SR. INV. CARPENTER: By CSI?

OFFICER TUPPER: No.

SR. INV. CARPENTER: You were able to keep your handgun?

OFFICER TUPPER: Yes. I didn't discharge my handgun.

SR. INV. CARPENTER: Okay. When you arrived at Mission Station, were you still in possession of your BWC?

OFFICER TUPPER: Yeah, I can't remember who--want to say someone took it. I can't remember who.

SR. INV. CARPENTER: Were you injured as a result of this incident?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Did you experience any perceptual distortions?

OFFICER TUPPER: Such as?

SR. INV. CARPENTER: Sight, sound, time, memory loss, disassociation.

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OFFICER TUPPER: I don't know.

SR. INV. CARPENTER: And what time did you go home that night? Or that morning?

OFFICER TUPPER: I don't know.

SR. INV. CARPENTER: Was it prior to 7 a.m.? Prior to your shift ending?

OFFICER TUPPER: I can't--

SR. INV. CARPENTER: Or after your shift ending?

OFFICER TUPPER: I'm not sure.

SR. INV. CARPENTER: When did you first provide a statement regarding this incident?

OFFICER TUPPER: What was the statement called again?

SR. INV. CARPENTER: Oh, your Public--

DPA ATTY. THOMPSON: Public Safety--

SR. INV. CARPENTER: Public Safety Statement?

OFFICER TUPPER: Yeah.

DPA ATTY. THOMPSON: And that was at the station.

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: When did you speak to Homicide?

OFFICER TUPPER: Wasn't that day. It was either--can't remember when it was.

SR. INV. CARPENTER: Was it shortly after the incident?

OFFICER TUPPER: Yeah. Just--I just know it wasn't that day. It was, yeah, shortly after.

SR. INV. CARPENTER: Did you provide a verbal statement to the officer preparing the Incident Report?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Did you provide a written statement for

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the Report?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Hm?

DPA ATTY. THOMPSON: Who else did you talk to at this--at Mission Station?

OFFICER TUPPER: I'm not sure.

SR. INV. CARPENTER: When did you--did you see footage, your body-worn camera footage? Did you ever--

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Review your body-worn camera footage?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: And when?

OFFICER TUPPER: Before the interview with Homicide.

SR. INV. CARPENTER: Were you required to view your body-worn camera footage?

OFFICER TUPPER: No.

SR. INV. CARPENTER: Did you want to view your body-worn camera footage?

OFFICER TUPPER: Yes.

SR. INV. CARPENTER: Okay. I don't know if it was an option for you guys or not.

POA ATTY. NOBLES: It was an option.

SR. INV. CARPENTER: It was an option? Oh, okay. So the last part is okay. Mr. Nobles?

POA ATTY. NOBLES: No.

SR. INV. CARPENTER: Is there any other statement relevant to this incident you wish to make at this time?

OFFICER TUPPER: No.

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SR. INV. CARPENTER: Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

OFFICER TUPPER: No.

SR. INV. CARPENTER: You may submit material to DPA, IAD, and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in the case and what discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview, if possible. Is there anything else you would like the Chief to consider in that regard?

OFFICER TUPPER: No.

SR. INV. CARPENTER: The interview is concluded. The time now is 5:37 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: OFFICER SEAN O'ROURKE, #2214

DATE OF INTERVIEW: 05/23/2019

SR. INV. CANDACE CARPENTER: This interview regarding DPA case number 0097-18 is taking place at the Department of Police Accountability on May 23, 2019, at 12:39 p.m. Conducting this interview is myself, Senior Investigator Candace Carpenter and DPA Attorney, Tinnetta Thompson. We work for the Department of Police Accountability. We have been designated by the Police Commission to conduct this investigation. The member being interviewed is Officer Sean O'Rourke, star number 2214, who is a named officer in this matter. Representing Officer O'Rourke is:

DON NOBLES: Don Nobles, POA Attorney.

CARPENTER: Officer O'Rourke, have you read the DPA form 293, an Allegation form regarding the allegation of misconduct?

OFFICER SEAN O'ROURKE: I have.

CARPENTER: Officer O'Rourke, because there may be criminal culpability on your part, I want – I'm sorry. Okay, yeah. Because there may be criminal culpability on your part, I want to be certain you understand the following Rights: you have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after questioning. Do you understand each of these Rights I have explained to you?

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O'ROURKE: Yes.

CARPENTER: With these Rights in mind, would you like to answer my questions?

O'ROURKE: No, I would not.

CARPENTER: While you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Department of Police Accountability of the San Francisco Police Commission. I've been designated by the Police Commission to conduct this investigation. I am therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally unless you choose to testify in such a criminal case. Do you understand this order?

O'ROURKE: Yes, I do.

CARPENTER: Officer O'Rourke, will you answer my questions as ordered at this time?

O'ROURKE: Yes ma'am.

ATTORNEY TINNETTA THOMPSON: Before we begin Officer O'Rourke, have you ever testified in court before?

O'ROURKE: I have.

THOMPSON: So, it's kinda like the same thing. This will eventually be transcribed so no shaking of the head indicating

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yes or no and um umm to indicate your answers.

O'ROURKE: I understand, ma'am.

THOMPSON: Thank you.

CARPENTER: I'm sorry. I was supposed to give you this Administrative Interview Advisement form before we started. Let you go ahead and do that.

O'ROURKE: You have an extra pen? All right.

NOBLES: I always have my pens on me.

THOMPSON: So, you can do your part [unintelligible].

CARPENTER: Thank you. Thank you. And for the record, I note that Officer O'Rourke has handed me the DPA Administrative Interview Advisement form which bears his signature and star number and today's date. I also note that the form has been signed by his representative, Don Nobles. I will store this form in the DPA file for this case. This interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, starting at approximately 10:36 p.m. at 20th and Capp Streets. The subjects involved in the incident are Mr. Jesus Delgado-Duarte, the decedent; Mr. [redacted] was the driver of the Honda Civic, the suspect vehicle, and [redacted] was in the backseat of the Civic. So, we'll just do this interview on- we used a Rule of Three which is you can just tell me what happened, no interruptions. Then we'll start from the beginning with your background- we'll break down the incident and we'll go from there.

O'ROURKE: Okay.

CARPENTER: All right? So, just tell me what happened.

O'ROURKE: I was working uniformed patrol with my partner

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that evening. We were on a separate call when the call was broadcasted that another unit had on-viewed or had been flagged down by two men saying they had just been robbed by a person at gunpoint. We broke from that call, started to respond to assist then they stated that they had stopped the vehicle at 20th Capp or 22nd and Capp, ah, and then started to initiate a felony stop and ordered people out. That's when my partner and I arrived. We took up a position of cover. Several minutes went by in which commands to surrender were given. A less lethal round was deployed and then the suspect punched out and fired at us and we returned fire.

CARPENTER: And did you review any documents to prepare for this interview?

O'ROURKE: I did.

CARPENTER: And what did you review?

O'ROURKE: My IA interview and my Homicide interview. The audio.

CARPENTER: Okay. And have you reviewed any videos related to this incident?

O'ROURKE: My Body Cam footage and one other officer's footage who I can't remember which one it was. But that was during my Homicide interview so it was many months ago.

CARPENTER: And how many times have you been interviewed regarding this incident?

O'ROURKE: I believe this is the third.

CARPENTER: And who interviewed you?

O'ROURKE: The Homicide Inspector was Watts and I can't remember the second guy and I don't remember the name of the IA

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people.

CARPENTER: Okay.

O'ROURKE: I'm good with names or good with faces, terrible with names.

CARPENTER: As time has passed, have you remembered details of the incident that you were unable to recall shortly after the incident?

O'ROURKE: Not really. Nothing substantial.

CARPENTER: Is there anything that was not covered in your Homicide or IAD interviews that you would like to add to the record at this time?

O'ROURKE: No.

CARPENTER: Is there anything that you'd like to clarify?

O'ROURKE: No.

CARPENTER: Other than your rep or your attorney, have you spoken to anyone else about this case?

O'ROURKE: No. My wife but that's about it.

CARPENTER: And how long have you been employed by SFPD?

O'ROURKE: [redacted], somewhere around there. Four years.

CARPENTER: Four years. And you were stationed at Mission Station was your assigned station?

O'ROURKE: Yes ma'am.

CARPENTER: And how long were you assigned to that station?

O'ROURKE: Probably about a year, I think. Maybe a little longer.

CARPENTER: And where are you currently stationed?

O'ROURKE: Park Station.

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CARPENTER: Park. And did you request a transfer to Park Station?

O'ROURKE: I did, yes.

CARPENTER: And why?

O'ROURKE: I was offered a special or different assignment.

CARPENTER: Have you worked at any other law enforcement agencies?

O'ROURKE: No.

CARPENTER: Had you had any previous involvement with any of the three parties prior to this incident, Duarte, [redacted] [redacted] or Miss [redacted]?

O'ROURKE: Not that I'm aware of, no.

CARPENTER: I'm sorry. And what shift were you on duty on March 6th?

O'ROURKE: Midnights.

CARPENTER: Midnights? And how many hours of sleep had you had before your shift?

O'ROURKE: Somewhere between six and either.

CARPENTER: And what time did you arrive to work?

O'ROURKE: I usually get there like thirty minutes beforehand.

CARPENTER: Thirty minutes before briefing or-

O'ROURKE: Before lineup.

CARPENTER: Before lineup?

O'ROURKE: Yeah.

THOMPSON: What is the midnight shift? What are those hours?

O'ROURKE: 21 to 07, yeah, 21 to 07.

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CARPENTER: And did you make lineup that night?

O'ROURKE: Yes ma'am.

THOMPSON: And that would be nine a.m. to seven a.m.?

O'ROURKE: Yes- ah, nine p.m. to seven.

THOMPSON: Nine p.m., yes.

CARPENTER: And did you have a partner?

O'ROURKE: I did.

CARPENTER: And who was your partner?

O'ROURKE: Officer Mike or Michael Rotschi. R-O-T-S-C-H-I.

CARPENTER: And between you and your partner, who was the senior officer?

O'ROURKE: Officer Rotschi. Should I be concerned about that?

CARPENTER: No. It's the floor. They're probably moving furniture. And how long had you worked with Officer Rotschi?

O'ROURKE: I don't remember exactly but probably three or four months. Somewhere in there. I left in-between – I left Mission when my probation ended and went to Park for a few months and then came back, maybe three months later and me and Mike just picked right back up probably three or four or five - somewhere in there. Not like a year. Less than a year, more than a couple of months so three or four.

CARPENTER: So, were you on probation-

O'ROURKE: No.

CARPENTER: During the time of the incident?

O'ROURKE: No ma'am.

CARPENTER: Okay. Before, okay.

O'ROURKE: Yes.

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CARPENTER: Do you wear glasses?

O'ROURKE: No ma'am.

CARPENTER: Do you wear prescription contact lenses?

O'ROURKE: No ma'am.

CARPENTER: You said that you were in full patrol that night? Can you describe that uniform?

O'ROURKE: The wool uniform, short sleeve wool and shirt and trousers. And then my duty belt with all the accoutrements-start, nametag, all that.

CARPENTER: Okay. And what was your primary firearm?

O'ROURKE: My Department-issued pistol, the Sig-P .226 in .40 caliber.

CARPENTER: And do you carry a backup weapon?

O'ROURKE: I was not carrying it that night.

THOMPSON: And would that be a Sig Sauer?

O'ROURKE: Yes ma'am.

CARPENTER: And was your gun fully loaded?

O'ROURKE: Yes ma'am.

CARPENTER: And how many bullets did you have when you started your shift?

O'ROURKE: I carry a 12 fully loaded magazine, one in the chamber, 13 plus 3 12-round magazines on my belt. That would be 49 on my person.

CARPENTER: So, you carry 3 spare magazines?

O'ROURKE: Yes ma'am.

THOMPSON: Is there a reason why?

O'ROURKE: Why I carry an extra one?

THOMPSON: An extra, yeah.

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O'ROURKE: Simply because the Pine and Franklin shootout in the 90's where Jim Guelff was killed and everybody was running short of ammunition so I try to learn from past incidents and in the event there was another catastrophic incident, I'd be able to respond to my fellow officers or be able to respond myself.

CARPENTER: Thank you. And where you in a patrol vehicle?

O'ROURKE: Yes ma'am.

CARPENTER: And what type of vehicle were you in?

O'ROURKE: I think it was a Crown Vic, I believe.

THOMPSON: Marked?

O'ROURKE: Yes ma'am.

CARPENTER: And were you the driver or the passenger?

O'ROURKE: I was the passenger ma'am.

CARPENTER: And what equipment did you have in the vehicle?

O'ROURKE: We had our ERIW as well as a Department A.R. which was [unintelligible].

CARPENTER: And who was your supervisor that night?

O'ROURKE: I believe the supervisor on-scene was Sergeant Leonard Caldera. In addition, Sergeant Shugars was working that night and Sergeant Barcena, if I remember. I think those were the usual three that we had.

CARPENTER: And what type of training had you received regarding felony traffic stops?

O'ROURKE: Training from the Police Academy as well as bi-yearly AO training.

CARPENTER: Now did you arrive at the scene prior to the felony stop or – or during the felony stop or after the felony stop?

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O'ROURKE: While – after the initial setup had occurred, I believe we were the third or fourth unit to arrive as backup.

CARPENTER: And what type of training had you received regarding barricaded suspects?

O'ROURKE: Just the training we received from the Police Academy and from AO.

CARPENTER: And do you recall what type of training that was?

O'ROURKE: Well, with regards to like a barricaded person?

CARPENTER: Yes.

O'ROURKE: Um, you surround, try to establish a perimeter wherein the person can't escape if they try to flee. And then you began to establish non-lethal options as well as an arrest team and a communications team to communicate with the barricaded person. Usually that's initially a first on-scene officer or a CIT person and then as time goes on, they try to - there might be a full H&T hostage negotiation situation.

CARPENTER: Okay. And what type of training had you received regarding suspects in trunks?

O'ROURKE: I cannot recall specifically a trunk incident.

CARPENTER: Or scenario.

O'ROURKE: It's not like a – other than the way you're trained where you approach a car on like felony stop- or not a felony stop- but on a normal stop where you check the trunk to make sure it's not unlatched and that someone cannot come out of it and surprise you, but I cannot recall a person inside of a trunk on a felony stop scenario in my training.

CARPENTER: Okay. And what type of training have you

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received or had you received regarding armed suspects?

O'ROURKE: It's like a very wide question. Like firearm armed or like any type of armed or?

CARPENTER: Um, do you -did you engage in any simulation training?

O'ROURKE: Yes.

CARPENTER: Or scenarios?

O'ROURKE: Yes.

CARPENTER: Where suspects were armed with-

O'ROURKE: Yes. Firearms, all sorts of stuff, both in like role-playing scenarios as well as the force option simulator. Both of those, yeah.

THOMPSON: And can you explain your experience with that or as far as the simulation and the whatever- the last thing you just mentioned about the forced options?

O'ROURKE: The forced options simulator?

THOMPSON: Yeah.

O'ROURKE: It's like the projector video, kind of video gamey thing. It's just like lots of different scenarios with suspects in a variety of situations and locations; armed, unarmed, known and unknown weapons and you're presented with a large number of scenarios in which various forced options can be utilized to address the threat as well as no-force options is that's an option. Does that answer your question ma'am?

THOMPSON: It does.

O'ROURKE: Okay.

THOMPSON: Now is it during the Academy or how long is that course?

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O'ROURKE: It's usually during- it's usually integrated progressively throughout the Academy with more diverse and intricate scenarios as you progress as well as every year or every other year when you go to AO you go through- I think three to four forced options simulations.

CARPENTER: And what type of training had you received regarding tactical considerations and patrol techniques?

O'ROURKE: As it pertains specifically to police work, the tactical training you receive at the Academy as well as AO and then Officer Field Tactics and Survival course which is also conducted through the Police Academy.

THOMPSON: And can you describe that course or that training?

O'ROURKE: OSFT?

THOMPSON: Yes.

O'ROURKE: Um, it's a one-week higher intensity phase of the Academy wherein you deal with -it's kinda like where, say you progressed through more intricate scenarios, it presents you with the most intricate wherein you do active shooter, barricaded suspects, as well as a variety of -also live-fire situations where you're also shooting and maneuvering with other police officers.

CARPENTER: Now is that the range or is it classroom?

O'ROURKE: That's conducted at the classroom. When I went through it, it was up at the -it's a mental health hospital. It's off Parnassus and Market or somewhere right there. I can't remember what the hospital is called. They closed the whole wing of it where they used to have the mental health ward. But

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they- it's at an abandoned hospital and that's where we do the active shooter and then it's also conducted at the ranges for the live-fire portion.

THOMPSON: And are you given a certification at the end or completion of it?

O'ROURKE: I don't think anything other than the Academy graduation. So, I think it's just a portion of the Academy.

THOMPSON: Is that required for all officers going through the Academy?

O'ROURKE: As far as I know, yes ma'am.

CARPENTER: And do you speak any other languages?

O'ROURKE: Fluently, no.

CARPENTER: You say fluently, no but-

O'ROURKE: I know a little bit of like commands in Spanish that you learn on the job. Very basic stuff usually as it pertains to officer safety and just a little bit of Russian, French and German but the very basic. Not fully conversational in any of them.

THOMPSON: Now the Spanish commands, is that taught in the Academy or just your work at Mission Station?

O'ROURKE: Just the work in Mission. It's usually nothing more than hands up, do you have weapons, ah, the basic descriptions of a person.

CARPENTER: At the range, what firearms are you certified to use?

O'ROURKE: The pistol, the 12-gauge. At the time, my Department pistol, the 12-gauge Barretta shotgun, the ERIW shotgun and my backup gun.

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CARPENTER: And what's your backup weapon?

O'ROURKE: It's a Smith & Wesson Snub Nose .38. I don't remember the exact model. But I didn't have it on me that night.

CARPENTER: Okay.

THOMPSON: Now is it required to be trained like in the rifle or is that man- or is that an option for you as a recruit?

O'ROURKE: As a recruit at the time, they did not do rifle training with shotgun only and ah, I was not Department-trained in its use.

CARPENTER: [Unintelligible]?

O'ROURKE: Yes ma'am.

THOMPSON: Now is the shotgun training, was that mandatory?

O'ROURKE: Yes ma'am.

CARPENTER: And how are you trained regarding the sequence of fire?

O'ROURKE: Sequence of fire as it pertains to what ma'am?

CARPENTER: Bursts, um, where you do two shots, assess, [unintelligible].

O'ROURKE: Um, you'll have to forgive me. I've done a lot of different shooting and maneuvering courses, both as a police officer [redacted] and on my own money. And they kind of start to bleed together but I believe like that -usually the Department trains you to fire and access after two to three shots, something like that.

[redacted]

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[redacted]

CARPENTER: And had you received CIT training?

O'ROURKE: Not at the time, no.

CARPENTER: And had you received de-escalation training?

O'ROURKE: Yes ma'am.

CARPENTER: And where did you receive the de-escalation training?

O'ROURKE: In the Academy and in the AO, as well as various lineup trainings you do before lineup.

CARPENTER: And had you received any training on crisis negotiation?

O'ROURKE: Ah, yes. I think [unintelligible].

THOMPSON: Right here we have Exhibit 1. If you would please in the corner - let's see. Any corner you can, ah, this is of Capp Street that evening.

O'ROURKE: Um hmm.

THOMPSON: It's not to scale. And if you would please date, name, star number in the -wherever you can. Thank you.

CARPENTER: Okay. And using that um, that diagram, can you circle your vehicle?

O'ROURKE: My radio car?

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CARPENTER: Yes.

O'ROURKE: I believe it was -believe it was this one.

THOMPSON: Can you put your initials by it too?

CARPENTER: And also, we have Exhibit 2.

THOMPSON: Yes. And if you would do the same thing as I described in Exhibit 1.

O'ROURKE: Think it was- I'm pretty sure it was that one.

CARPENTER: And if you could just put your name and your star number in one of these corners for Exhibit 2. Okay. Then you can use either of those to determine which diagram you think is easiest for you to determine kinda like your position-

O'ROURKE: Oh, my position.

CARPENTER: Where you took up position.

O'ROURKE: This one.

CARPENTER: Okay. So, Exhibit 2 is what you're pointing to?

O'ROURKE: Yes ma'am. Um hmm.

CARPENTER: Okay. So, we'll use that picture of the scene.

O'ROURKE: Okay.

CARPENTER: Did you want to do the whole-

THOMPSON: I'll do it.

CARPENTER: Can you just put an "X" where you were? Where your position of cover was?

THOMPSON: Well let's use this one.

CARPENTER: I forgot.

THOMPSON: Yeah.

CARPENTER: Okay. And do you recall where your partner took his position of cover?

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O'ROURKE: Believe he was right here. I may have been further on the right but I was on the back part of the hatchback of that car.

THOMPSON: And you can put your initials and your partner's initials too by the "X" which you indicated.

CARPENTER: Okay. When you arrived- when you heard the call for service, you stated that you and your partner were on a different call?

O'ROURKE: Yes ma'am.

CARPENTER: Um, and then you heard something regarding a flag down. What else did you hear? The officers were flagged down regarding a-

O'ROURKE: Regarding a robbery with a handgun.

CARPENTER: Okay. And you guys responded to the scene.

O'ROURKE: Yes ma'am.

CARPENTER: You and Officer Rotschi.

O'ROURKE: Um hmm.

CARPENTER: Did you and Officer Rotschi discuss any tactics or a plan prior to getting to the scene?

O'ROURKE: Ah, other than getting there, no, I don't think so.

CARPENTER: And when you arrive at the scene, did you guys discuss any tactics or a plan?

O'ROURKE: Ah, no. We just moved to the open – the only open position on the scene that it looked like it wasn't being covered by officers. So, it's more instinctual.

CARPENTER: Okay.

THOMPSON: Now on that call, how- what was that location

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at?

The call that you were on.

O'ROURKE: The one I was on?

THOMPSON: Yes.

O'ROURKE: It was at a gas station at the southeast corner of 16th and South Van Ness, right outside the carwash.

THOMPSON: And how long did it take you to get to 20th and Capp?

O'ROURKE: That's like six-something blocks. Ah, maybe a minute, minute and a half maybe. Not very long.

THOMPSON: Did you have your lights on your call on your um-

CARPENTER: Your 360 lights.

O'ROURKE: Oh, yes.

CARPENTER: Lights and sirens.

O'ROURKE: Yeah, I think he flipped them, yeah.

CARPENTER: Okay.

THOMPSON: What were the traffic conditions like that evening?

O'ROURKE: Pretty light.

THOMPSON: Light?

O'ROURKE: It was later in the evening, no commuter traffic. It's usually just night time traffic.

CARPENTER: And can you make a mark of the officers that were there when you arrived at the scene or their location?

O'ROURKE: So, I know that – I think this car was already here and maybe this car. I can't remember if we were third or fourth. I know we weren't second. I think that there was

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someone in that car jam, that car jam and maybe over here. I was aware that there was already kind of a fan that way and I don't think that there was much of a fan this way so we moved to the right. But I think that- I can't remember exactly who I saw but it was -I know that center in the left, so it was the only right flank appeared to be open.

CARPENTER: Okay. And when you were pointing to Exhibit 2, were you identifying the lead car?

O'ROURKE: The lead car. And it looks like 067 on the car or in the photo.

CARPENTER: Okay. And you said that there were- you believe there were officers in both those door jams?

O'ROURKE: Um hmm.

CARPENTER: Of the initial vehicle?

O'ROURKE: Um hmm.

THOMPSON: Is that a yes?

O'ROURKE: Yes ma'am. Sorry.

CARPENTER: Okay. And did you talk to any of the officers that initiated the felony stop when you arrived at the scene?

O'ROURKE: I don't believe so. We just moved into the only open position. It's pretty obvious that it wasn't being covered.

THOMPSON: And what was the first thing that you did when you arrived on-scene?

O'ROURKE: I think I activated my camera and then I grabbed the rifle out of the rack. And then moved to a position.

CARPENTER: Okay. And with the rifle, then what did you do?

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O'ROURKE: I saw -again, there were officers in the lead car and I think to the far left and maybe even here somewhere. There might have been a guy stacked up on the truck. I don't exactly remember. But me and Mike pushed right to this silver sedan and took up a position to cover and covered the rear portion of the trunk and of the vehicle that was in the felony stop.

CARPENTER: And were you able- so, when you arrived- I'm sorry- was the driver of the Honda Civic, was he already outside of the vehicle?

O'ROURKE: No, he was not.

CARPENTER: He was still inside the vehicle?

O'ROURKE: Yes ma'am.

CARPENTER: Okay. And did you hear the commands that were given?

O'ROURKE: Yes.

CARPENTER: And can you explain that?

O'ROURKE: Um, I can't remember if it was over the loud speaker at that point or if it was still being given by voice and believe it was Officer Cassinelli that was giving the commands- going through the felony stop commands and ordering the driver out.

THOMPSON: Do you know if those were in English or Spanish at this time?

O'ROURKE: That time I believe they were still in English.

CARPENTER: Did Officer Cassinelli only order the driver out of the vehicle?

O'ROURKE: I don't remember exactly.

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CARPENTER: Okay.

O'ROURKE: I just remember commands being given to show hands and exit the vehicle.

CARPENTER: Okay. At that time, do you recall which officers were at the scene by name?

O'ROURKE: No.

CARPENTER: Any of them besides you and Officer Rotschi?

O'ROURKE: Besides Cassinelli and Tupper who I think were partners that night, this was just still a period in the evening in which our swing watch and midnight watches overlap so as additional people came to arrive on the scene, I was aware that more people were arriving but my focus was on the threat to my front and to my partner, not really to a lot of other things that were going on as far as who was moving around behind me.

CARPENTER: Okay. Um, so, your focus was on the trunk?

O'ROURKE: Yes. Ah, on the vehicle.

CARPENTER: On just the vehicle?

O'ROURKE: The trunk specifically but the vehicle and the threat, you know.

CARPENTER: Okay. What could you see?

O'ROURKE: Um, saw the vehicle stopped. I saw the trunk was partially ajar. We were always aware that someone was in the rear of the trunk. And then I knew- this is where my – and I've said this in all my interviews, my brain gets a little fuzzy. I knew very much that there were two people in the vehicle but I can't remember when I knew about a person in the backseat. And I just – I don't know if I'm filling in information or if it's something that had been broadcasted but

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I'm not -I honestly can't tell you when I knew that there was a third person in the vehicle, the female in the back. But I was always distinctly aware of initially the driver and definitely the person in the back in the trunk. And I believe that was even put over the air before we arrived on-scene and they said something like, we got one in the trunk, or something like that.

CARPENTER: Who was the highest-ranking officer when you arrived at the scene?

O'ROURKE: I don't remember who the highest-ranking was. I know Sergeant Caldera was there pretty quickly.

CARPENTER: And were you concerned about cover?

O'ROURKE: Yes ma'am.

CARPENTER: And why?

O'ROURKE: Well we were fairly close to the vehicle. Um, and there's a lot of reasons I would be concerned. He was armed with a handgun. We were very close to the back but there wasn't a lot in-between- there wasn't a lot of great positions in-between us and him. The cover was behind -the piece of cover that I took cover behind was a vehicle and there weren't a lot of great barriers. It's not like, you know, your best scenario where it's like you're gonna take cover behind a concrete barrier or sandbags or something. It was just some cars and glass so it was very concerning.

THOMPSON: And how far- approximately how many feet do you know, from the ah, Honda Civic?

O'ROURKE: Maybe fifteen, twenty yards at most.

THOMPSON: Was there any other obstructions besides the patrol cars or anything?

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O'ROURKE: In my view?

THOMPSON: In your view.

O'ROURKE: No ma'am.

THOMPSON: Okay.

THOMPSON: And what were the weather conditions like that evening if you can recall?

O'ROURKE: Clear.

THOMPSON: Clear.

O'ROURKE: I mean it's dark, street lamps. Capp Street- that portion fairly well lit. And then high beams and lights and all that lit up the scene pretty well.

CARPENTER: And were you providing lethal cover?

O'ROURKE: Yes ma'am.

CARPENTER: And was your – you said you picked up the rifle?

O'ROURKE: I did.

CARPENTER: Was it at the low ready or did you have it pointed at the trunk?

O'ROURKE: It was low ready and then when I took up a position of cover on the back of the silver Hatchback, I had it pointed at the suspect in the rear of the vehicle.

THOMPSON: What is lethal cover?

O'ROURKE: Lethal cover would be- as opposed to non-lethal- where you're armed with a handgun as opposed to like an ERIW or less lethal impact weapon where your primary responsibility is to engage with deadly force should that necessity arise.

CARPENTER: At this time, did you see a weapon?

O'ROURKE: No.

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CARPENTER: Can you just-

O'ROURKE: He had- the person had his left hand concealed behind his body.

CARPENTER: Can you describe what you saw?

O'ROURKE: I saw what I believed to be a male in the back of the trunk. I don't remember exactly what he was wearing but he was wearing -he was laying down in the back. The lid of the trunk I think kept coming up and down a little bit but it was never sealed. And then you could see kind of the person's head and shoulder and right-side profile of their body and I think the leg kept coming in and out- his leg kept coming in and out. And then the left hand was always kind of obscured, tight. The whole body was very tight. And he would occasionally look out at the line of police officers and vehicles.

CARPENTER: And based on your position, were you -were his feet facing you or was his head facing you? I'm saying if he was laying in the trunk-

O'ROURKE: So, he was laying with his feet to the west and his head to the east so I was looking at his body profile horizontal with his head to my left.

CARPENTER: And you said that you could see him looking out at the line of officers?

O'ROURKE: Um hmm.

CARPENTER: So, were you able to get a good view of his face?

O'ROURKE: Not really. I mean I knew it was a younger Hispanic male and that's about all I could tell.

THOMPSON: Could you see the trunk light in the Honda Civic

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at that time if you can recall?

O'ROURKE: I don't remember ma'am.

CARPENTER: And so, when you responded, what was your role at the scene?

O'ROURKE: Ah, at that time, I viewed my primary responsibility to be a lethal cover officer because every other role appeared to have been filled; the contact, the cover, the less lethal, all of that.

CARPENTER: You said the compact?

O'ROURKE: Contact.

CARPENTER: Oh, contact.

O'ROURKE: So, in police, there's usually a concept and every interaction that there's a contact officer and a cover officer wherein the cover officer is just there to maintain visual observation to kind of be a fly on the wall. Whereas, the contact officer would be the person that's primarily speaking with the person. Therein, you maintain security and safety three hundred and sixty degrees around.

CARPENTER: Okay. And you may have answered this. Who was the contact officer?

O'ROURKE: Believe it was, at the time when we initially arrived, it was Officer Cassinelli I believe who was giving commands. And then later on, when we began to use different languages to attempt to speak with the subject, it was Officer Milen Banegas who took over speaking Spanish.

CARPENTER: Okay. And do you recall who the less lethal officer was?

O'ROURKE: I don't remember who it was but I remember it

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was called up for and someone- -'cause again, that was -it was on my left side. There's a radio car in-between me and the less lethal. I was aware that he was there but I don't remember who it was.

THOMPSON: And can you describe how you are positioned with the rifle at this time? Are you standing, crouching?

O'ROURKE: I was looking over the top of the Hatchback with the rifle, maintaining eyes on the vehicle in my backdrop.

CARPENTER: And how tall are you?

O'ROURKE: Six foot on a good day. Five-eleven on most.

THOMPSON: Your [unintelligible] height.

O'ROURKE: Back has been- jumped out of a lot of airplanes so it depends on the time of day and the weather and all that.

THOMPSON: Can we pause for a break please?

CARPENTER: Sure. The time now is 1:19 p.m. and we're going to pause.

CARPENTER: The time now is 1:25 p.m. And the interview is continuing. Did anyone assign you your role at the scene?

O'ROURKE: No. It was more kind of taking a holistic look at the scene as it was when we arrived. And then filling in a gap and then when you have that type of assumed responsibility as a lethal cover officer until someone breaks you from it and you usually don't want to leave that position to leave that uncovered.

CARPENTER: Okay. Did you inform the contact officers that you were at the scene on the right?

O'ROURKE: I don't remember exactly. I know we were all looking back and forth in addition to you know, maintaining eyes

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on the threat. You look left, you look right, see what you got and then with that group of people, we had all been working together many months so I don't know if formal words that some of us exchanged or if it was a we kind of all looked around at what we had and then realized, hey, we've got the – we've got left. We've got right. We've got center. We're gonna hold this and then deal with the situation as it progresses.

CARPENTER: And did you and Officer Rotschi have any verbal communication?

O'ROURKE: I believe I just, hey, I got this covered, something like that. I don't -we weren't talking a lot. I mean we were mainly just focusing on the threat at hand.

CARPENTER: Based on your position, were you able to see the make and model of the vehicle?

O'ROURKE: I knew it was black – the black four-door sedan or the black sedan that was called out from the initial broadcast and you know, based on the actions of the other officers, it was very clear that that was the suspect vehicle.

CARPENTER: Can you describe Mr. Duarte's attitude and demeanor while he was in the trunk?

O'ROURKE: The suspect in the trunk the whole time, he- we were observing him – seemed like very tense, under stress, sometimes it's hard to remember exactly. It's more of like an impression of things, kinda like a watercolor painting where things are clear but they're also a little fuzzy. So, looking back, I do remember at one point like he had very- like a screwed up, angry face and then his actions where he would rock forward almost as if he was going to -that left hand that he was

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never showing us. He would start to rock forward like he was gonna punch out with it. There were several instances of that. And every time, you know, all the officers on the line would start to say, like, no, no, no, no, no, no, almost willing him not to do what we were all pretty sure he was gonna do. It was like -it was a very surreal kind of moment where we knew what he had and he knew what he had and he was -it appeared he was almost working himself up to the way in which the call concluded.

CARPENTER: And did he say anything?

O'ROURKE: The only time I remember him saying anything at all was after a less lethal round right before he punched out and fired at us, and -excuse my language- but he said something like, fuck you, or something like that. And then that's when he punched out and fired.

CARPENTER: Um, did he mumble or make any noises?

O'ROURKE: Other than that, I don't believe so ma'am.

CARPENTER: Had you been in that type of situation before?

O'ROURKE: A felony stop?

CARPENTER: Felony stop with an individual inside of the vehicle who didn't want to come out.

O'ROURKE: Not really. Been in a few felony-stops before then and people react usually one of two ways. Either with utter confusion that the situation is going on because they are innocent and just happened to be maybe driving the wrong car in the wrong place and matching the wrong description and it's just like, whoa, what's going on? And they're very scared. Or it's a bit of a resignation, oh, they got me. Not one like that

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where it was someone who wasn't going along with the program, wasn't wanting to do what was obviously safe. A lot of people who are placed in felony stops who have that look of resignation, I mean they know that they're caught and that the cops got him or they're just utterly confused. Not one in which someone's not going along with the program.

CARPENTER: Can you explain the purpose of creating time and distance?

O'ROURKE: So, the purpose of creating time and distance as I understand it, is to allow officers the widest range of forced options and preferably to be able to communicate over time with someone so that the situation at hand ends peacefully. And then distance both in an ability to see a wider picture of the scenario as well as to allow us have a larger range of options if the situation does start to go the deadly route. So, you want to be able to create the time in order to communicate and the distance in which to react and for the suspect to feel a little safe and for you to have the ability to react.

CARPENTER: Did you ever give Mr. Duarte any commands to show his hands?

O'ROURKE: Yes ma'am.

CARPENTER: Did you give any other commands?

O'ROURKE: I don't believe other than I said, you know, in my limited Spanish, [SPANISH]. I said that very loudly a couple of times. Maybe- I can't remember if I said, show us your hands in English as well. I know those commands were being given and then the only other thing I really said kind of towards him was in those moments like I said, when it appeared that he was kinda

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screwing himself up to punch out with that weapon and then it was- like I said, everybody in the line just kind of saying, no, no, no, no, no, no, no. But other than that, no ma'am.

THOMPSON: Did you hear anyone identify themselves as police or did you try to identify yourself as a police officer?

O'ROURKE: I don't believe I did. And I think- I believe Officer Banegas said some of those things in Spanish. And I don't know what was said before I arrived on-scene.

THOMPSON: And how long did this interaction take place as far as giving out the commands in English and Spanish? Can you recall?

O'ROURKE: Again, period of stress sometimes distorts itself but I believe the whole incident maybe from the time I arrived to the time it finished, was like three to five minutes, somewhere in there. And then it's -in my mind, it was like around the halfway point when we kind of changed – around the halfway point when the driver got out and to when we started to begin using different commands as well in multi-lingual.

CARPENTER: And did you move positions? Did you change your position?

O'ROURKE: I believe I changed positions on the car I was taking cover behind. Maybe just from the back right to maybe the left but essentially, no. I stayed in that one position. After I handed the rifle off to my partner and drew my handgun, I think I had changed very slightly but not in the whole scene, still on the right-hand.

CARPENTER: And when did you um, hand your rifle off to your partner?

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O'ROURKE: I believe it was after the driver was out. You know, at the time I wasn't qualified with the Department rifle. It's a bit of first instinct for me having spent ten years in the military. Um, it's just the weapon I carry almost on a daily basis- on a daily basis when I was deployed and it's the weapon I go to. So, I kinda realized at a certain point that this suspect was not abiding by the commands and after a couple times that action is indicative of violence from him. I kind of had a moment and I was like, you know, I don't- I'm not qualified with the weapon per the Department and I handed the weapon off 'cause I didn't want to create a conflict there so I handed it off to my partner.

CARPENTER: And is Officer Rotschi certified or qualified-

O'ROURKE: Yes ma'am.

CARPENTER: In the rifle?

O'ROURKE: Yes ma'am.

CARPENTER: But you are qualified for the AR- you were qualified in the military to carry the-

O'ROURKE: Yes ma'am.

CARPENTER: AR?

O'ROURKE: That's the first thing you do in basic training is you train with the M-16. The weapon we had is the AR, ArmaLite Rifle platform. It's the same weapon. Army calls it an M-4. We call it an AR or Patrol rifle. It's the same pattern rifle that I've used since I was 18 years old.

CARPENTER: After- so, um, after you passed the rifle off to Officer Rotschi, you took your handgun out?

O'ROURKE: Yes ma'am.

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CARPENTER: And then what happened?

O'ROURKE: Then I continued to maintain my cover of the suspects. I think Mike was- Officer Rotschi was on my right-hand side and think it might even have moved maybe from- I was on the back right or the center part of the car. I was kinda posted up over the top of the car.

CARPENTER: Do you recall who was on your left?

O'ROURKE: I know Sergeant Caldera was there at that point. Officer Banegas was in the vehicle with the same two officers who initially arrived at the scene. And it seemed as time progressed, more officers began to arrive. I'm not sure exactly where they were to my right. There may have- I'm not sure exactly – excuse me- where they were to my left. I was always just aware that there were other officers to my left, that my partner was to my right and that was about it.

CARPENTER: Okay. And so, did you pass the rifle off to Officer Rotschi before Officer Banegas got on the bullhorn or after?

O'ROURKE: I don't remember ma'am.

CARPENTER: Okay. You said that Sergeant Caldera was on your- was on your left?

O'ROURKE: Yes ma'am.

CARPENTER: Did he say anything to you? Did you communicate with Sergeant Caldera at all?

O'ROURKE: Maybe other than eye contact. I don't remember any direct conversation.

CARPENTER: You may have answered this question but did you see anyone in the backseat of the vehicle?

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THOMPSON: At this time.

CARPENTER: At this time?

O'ROURKE: This is one of those things I kinda said. My mind -I can't remember. My mind's eye at what point I was aware. If I was always somewhat aware or if it was after the fact and now, I'm filling in like maybe a question mark. With certainty, I can only say that I knew the driver was there and I knew there was a suspect in the trunk. I cannot say with certainty, other than when I pulled that young lady out of the backseat, at what point I knew she was there. I apologize. I can't -in the fog of my brain, I can't really remember.

CARPENTER: Did you hear the- I don't know if it's a command for the ERIW but the warning of the ERIW?

O'ROURKE: Yes ma'am.

CARPENTER: And what did you hear?

O'ROURKE: Ah, the red light, red light, less lethal, less lethal.

CARPENTER: And did you repeat that?

O'ROURKE: I believe I did, yes.

CARPENTER: And how many shots of the less lethal were fired?

O'ROURKE: I believe just one.

THOMPSON: And what is the purpose of repeating the command back to the one that is giving out the command?

O'ROURKE: It's two-fold ma'am. The primary purpose is so that you, as a less lethal cover officer, don't mistake that for gunfire. Either you don't want to have sympathetic fire and you also don't want to mistake it for a suspect firing upon you so

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it's a mental kind of break to your action as well as it allows the officer firing the less lethal to be aware that people on the line understand and that he can safely take that shot with a less lethal without knowing that he's not endangering the situation or making it potentially worse.

THOMPSON: And what do you mean by sympathetic fire?

O'ROURKE: Sympathetic fire would be maybe you don't see something that someone else does in a deadly force situation and they fire and you begin to fire simply because they are firing.

THOMPSON: Okay.

CARPENTER: Now, after Mr. Duarte was hit by the ERIW round, what happened?

O'ROURKE: He kinda reacted to it. He flinched a little bit. And then I believe additional commands were given. At some point after that is when he made that final role and punched out and fired at us.

CARPENTER: Do you know how long it was between the flinch and then the punching out?

O'ROURKE: It's kind of a wide time but maybe ten or ten to thirty seconds. It wasn't very long but it was- there was a bit of a pause and then there was a reaction so fairly quickly, maybe no more than a half a minute; no less than ten seconds I believe.

CARPENTER: And were you surprised?

O'ROURKE: By him firing?

CARPENTER: By another movement in the car? Yes.

O'ROURKE: By the ERIW you mean or by his actions?

CARPENTER: No. By Mr. Duarte.

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O'ROURKE: I should say I had a very bad gut feeling that something like this was going to happen. I was surprised that when he finally made that role and punched out but I also wasn't surprised that it – like I said, I had -every moment when he would start to roll the whole time and we were yelling at him not to do what we knew he was probably gonna do. It's like you know something bad is going to happen. Like you see someone tripping and falling but you can't stop him.

CARPENTER: Did you see the muzzle flash?

O'ROURKE: I believe so, yes. And I definitely heard the shot.

THOMPSON: Now when the ERIW was fired at Mr. Duarte, did you hear him make a sound or anything like that?

O'ROURKE: I don't believe so.

CARPENTER: So, did you see – did you hear the shot before you saw the muzzle?

O'ROURKE: I don't remember. I was just staying clear while we were being shot at.

CARPENTER: Was he- was Mr. Duarte pointing the weapon at you?

O'ROURKE: When he punched out, he rolled- he presented the firearm. We fired. I knew it was at me or one of my fellow officers. I don't know if he was specifically aiming at anybody or he was just hoping to get one of us.

THOMPSON: How did you know it was a gun that Mr. Duarte had?

O'ROURKE: Well I heard the shot ma'am.

THOMPSON: Could you describe what you saw that you

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believed that was a gun though?

O'ROURKE: Looked like a black semi-automatic handgun. Some sort of black handgun in his left hand.

CARPENTER: Is there a difference between the ERIW shot, the hearing of it and the actual gunshot?

O'ROURKE: Yes ma'am.

CARPENTER: And can you describe the difference?

O'ROURKE: The ERIW shot is a lot less distinct. One thing is its subsonic meaning it does break the sound barrier so there's not a crack or a pop when a round goes by you. It's also just a very- very low powder charge so it's almost like a- almost like a loud clap or like a door slamming. It's a hollow sound. You can almost describe it as anemic when it goes off. But it's very clear when that versus when an actual gun round is being fired.

THOMPSON: And you've described Mr. Duarte as making a punching motion. Can you describe what you mean by punch?

O'ROURKE: Yes ma'am. So, he was -if I remember correctly, he was kind of- his hand was back here, down here, out of view. He rolled like when you're lying in bed and you roll to get out- rolled and then punched the gun out and fired.

THOMPSON: And just so it can reflect, because this is an audio recording, that the officer was using his left arm?

O'ROURKE: Yes ma'am.

THOMPSON: Yes. And ah, had like a punch- closed fist and made a punching motion.

O'ROURKE: Um hmm.

THOMPSON: Illustrating the outside of the trunk or the

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direction that Mr. Duarte was pointing at.

O'ROURKE: Yes ma'am.

THOMPSON: Okay.

CARPENTER: Um, how open was the trunk? Or was the trunk open?

O'ROURKE: It was kind of flapping the whole time. You know, I can't exactly remember but I know it was wide enough to - I believe when he was coming out to show his full profile or begin to show the full profile, um, it wasn't like fully opened but it also wasn't fully closed. Kinda like when you miss closing your trunk and it kinda just hangs there.

CARPENTER: After you saw the punching motion, you saw a black object, you heard the gunshot, what did you do?

O'ROURKE: I knew I was being -I knew I or one of my fellow officers were being fired upon. I thought he was trying to kill us so I returned fire.

CARPENTER: And how many shots?

O'ROURKE: I fired 13 rounds ma'am.

CARPENTER: Okay. And what were you aiming for?

O'ROURKE: I was aiming for the center mass of the suspect.

CARPENTER: And was your handgun in double-action mode?

O'ROURKE: It was single-action fire the first round and then based on mechanics of the firearm, double-action every round after that. Or- yeah, double-action. Excuse me. Double-action the first shot and then single-action every subsequent round as befits the mechanics of this particular firearm.

CARPENTER: Was your view ever impeded?

O'ROURKE: No ma'am.

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CARPENTER: When did you stop firing?

O'ROURKE: I stopped firing when I sensed that there was no longer a threat imminent before me and also when I executed a magazine change which occurred basically concurrently.

CARPENTER: So, when you needed to change your magazine did you access?

O'ROURKE: Yes ma'am.

CARPENTER: And how many shots did you fire before you accessed the threat?

O'ROURKE: I fired – every round you know, you fire, you have different types of site pictures and I was kind of taking what they call a flashlight picture which is basically anything over the front site post and at the center mass of the threat and um, I fired until I sensed that he was no longer a threat to myself or one of my fellow officers.

CARPENTER: Were you able to see his center mass?

O'ROURKE: Yes. Like I said, when he punched out, he kinda presented not just a profile but almost a full target.

CARPENTER: Did you move locations while you were firing prior?

O'ROURKE: While I was firing, no ma'am. The only time I moved was I had dropped down to execute a magazine change or reload and then came back up on target.

CARPENTER: Was your – what was your sequence of fire? Was it fast? Pairs? Bursts?

O'ROURKE: It was fast. I had a lot of different training in firearms use; not just through the Police Department but the way in which I was firing is sometimes referred to as a

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flashlight picture wherein you have a – you're aiming over the front site post of your weapon in order to get a higher probability of hit in the lethal force encounter.

CARPENTER: Were there any pedestrians nearby while the gunshots were fired?

O'ROURKE: Yes ma'am.

CARPENTER: And where were they located?

O'ROURKE: So, in the duration of the call, there were two males, I believe Hispanic males. Initially they were on the far-right side of the street. I could see them in the street light. I believe- I can't remember if I gave them or if other people- I know commands were given for them to get out of the way. And then they crossed over from the west to the east side of the street and then I believe they ducked down behind a carport or a car and kinda just stopped there. But they were the only pedestrians I ever viewed.

CARPENTER: And you said this was during the firing?

O'ROURKE: No ma'am. This was prior to.

CARPENTER: Prior to, okay.

O'ROURKE: Yes.

CARPENTER: Okay.

O'ROURKE: Other than those two gentlemen, I don't believe I ever saw anybody down the street.

THOMPSON: What's going through your mind when you're firing your weapon?

O'ROURKE: A lot of things, ma'am. Of course, you know, very scared because I realized that this person was trying to kill me or kill one of my officers. So, things that go through

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my mind specifically are barriers in-between me and the suspect. Probability of hit at distance and maintaining front site picture on the suspect as well as the effect of the rounds as they fall or where they hit.

THOMPSON: And can you explain what you mean by front site picture that you can-

O'ROURKE: So, generally when firing firearms specifically, [unintelligible] notch and there's a front post and in a perfect situation, you would always want like one big tight shooting you would want to maintain that center of the post. A situation in which there's an imminent threat in which you may need to, based on the target distance and barrier as well as them firing at you, you would utilize maybe different firing techniques if they're very close. Let's say like from me to that door, I might do what's called point shooting where it's basically I present and based on my body kinetics, fire. Or, for a target that's maybe a little further away that's also presenting a deadly threat, I would utilize what's called a flashlight picture where you are generally aware of where your rear is, you're aware of where your fronts on target and your getting the highest probability of hit and elimination of the deadly threat. Does that answer your question ma'am?

THOMPSON: It does.

O'ROURKE: Okay

THOMPSON: Um hmm. And this is all based on your background training and experience with the military and your other courses.

O'ROURKE: Yes ma'am. Um, my firearms training wasn't just

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through the Police Department. It was through the military too and you know, when I was an infantry officer running machine gun teams, you would take into account all these things and they would go through your mind. You're just- the target, the barriers, the probability of hits as you're firing and those are the type of things you would calculate. I know it might sound a little cold but that's the type of things that go through my mind in addition to being aware of what the subject is going and all that kind of, you know, [redacted], you kind of -it's always in your head.

THOMPSON: And can you describe what you mean by running infantry teams?

[redacted]

O'ROURKE: That sort of thing. And that's why in a situation like this, when I arrive on-scene and I can kind of get a glimpse, capture what's occurring, [redacted] I'm a guy just trying to fill a hole and do the best I can to protect myself and my fellow officers.

CARPENTER: How many rounds did Mr. Duarte fire, if you remember?

O'ROURKE: I think it was two to three. I don't remember exactly. I know afterwards, you know, based on you see the news footage and everything. There was a video of this. I think it

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was one; at the time, I thought it was two or three.

CARPENTER: After you were gonna load your – or, after you were changing magazines, did you say anything to Officer Rotschi or any other officers near you?

O'ROURKE: After I executed my magazine change and came back on target and saw that, you know, my fire had been effective in eliminating the threat, my partner asked me if I was okay and I just told him that I was good. And then at a certain point, I know Sergeant Caldera said we need to move up and begin life-saving aid and then I began telling everybody else around me to check and check themselves and check our rear to make sure that we were secured in the rear and to check their bodies to make sure they weren't hit, which is kind of a thing a lot of people forget to do in these types of situations. Your adrenaline is up. You don't always realize you're been shot.

THOMPSON: Do you have medic training too as well?

O'ROURKE: Yes ma'am.

THOMPSON: And where did you receive that training?

O'ROURKE: In the military and the Police Academy.

CARPENTER: Can you please describe Mr. Duarte's body positioning after the shooting?

O'ROURKE: After the shooting, I believe he was still lying inside of the vehicle, inside of the trunk. I, at a certain point, broke away to go back into my vehicle to put on body armor because a [unintelligible] thing developed, so I approached the car and began to render aid. So, I went back to my car to put my body armor on and then I -other officers went before me and they retrieved him and began to render aid and

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that's when they pulled him out of the trunk.

CARPENTER: And what is your body armor?

O'ROURKE: It's, in addition to the soft vest the Police Department gives you, they also have heavier plates that are ceramic plates which are made to stop rifle rounds given the fact that at least one person in the vehicle had fired on us and my desire to protect myself more, and I knew we were going to be approaching- I think they called for shields too- I put my body armor on and I think actually in my Body Cam footage, my camera went upside down when I took it off and then reattached it to the mount on my vest. So, it's just a higher level of protection.

CARPENTER: And was an ambulance requested?

O'ROURKE: I believe so, yes ma'am.

CARPENTER: Do you know who requested the-

O'ROURKE: I do not and I did not know at which time it was requested.

CARPENTER: Were you still at the scene when the paramedics did arrive?

O'ROURKE: If I was, it was after we had retrieved the female and the dog from the back of the car and the Sergeants began identifying which officers had been involved in the shooting and moved me away so I don't know exactly at what point the ambulance came.

THOMPSON: Can you describe that whole process of when you or who retrieved the woman and the dog from the back of the car?

O'ROURKE: Myself and my partner did.

THOMPSON: Okay.

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CARPENTER: You were the only two officers that retrieved the-

O'ROURKE: There were multiple other officers that approached the trunk and began to render aid to the suspect. My partner and I went to the driver's side, left-hand of the vehicle and that's when I became completely aware of the female in the back.

THOMPSON: How was she positioned?

O'ROURKE: She was lying down I think in-between the floorboard and the backseat. And then there was a dog back there too, like a Pitbull puppy or something.

THOMPSON: And where was the dog?

O'ROURKE: Jumping around. I don't remember exactly.

THOMPSON: Jumping, okay. What was her demeanor like, the woman in the backseat?

O'ROURKE: She was very scared.

THOMPSON: What made you believe that?

O'ROURKE: Well I came up to the window and I pointed my firearm at her and I just kept telling her, show me your hands, show me your hands and she was very scared and, you know- going back to what I said earlier about people who are scared and know something is up, they just want to be safe so she was showing me her hands. And then-

THOMPSON: Was she crying?

O'ROURKE: I don't remember. She was saying, what happened? Is he okay? Something like that.

THOMPSON: English or Spanish?

O'ROURKE: Believe in English, ma'am. And then I brought

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her out and patted her down for weapons as well as for injuries to make sure she was okay. And then the dog as well.

THOMPSON: What was the tone of her voice when she was speaking with you?

O'ROURKE: I think she was just very, very scared. Kinda high-pitched.

THOMPSON: High-pitched, okay.

CARPENTER: And after you patted her down, what happened?

O'ROURKE: She was handcuffed. I don't remember if I did that or if my partner did but we handcuffed her. And my partner or another officer took her and took her to one of the radio cars in the back and I took the dog and put the dog in a radio car somewhere in the back, kind of away from everything else.

THOMPSON: And how long did this interaction take with the woman and the puppy?

O'ROURKE: Maybe a minute. Not long at all.

CARPENTER: And once you took the puppy back to the patrol car, what did you do?

O'ROURKE: I put the dog in the back. And then the supervisors on-scene began identifying officers who had shot. So, I went back to my trunk, took my heavy vest off, put my camera back on, my shirt and then one of the Sergeants sat me down on a stoop kind of far away from everybody else. They begin separating us, asking us our public safety statements and all that.

CARPENTER: So, you were asked your public safety statement at the scene?

O'ROURKE: I'm fairly certain I was asked it on-scene and

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then I was also asked it multiple times later on.

CARPENTER: Okay. Do you recall which Sergeant you spoke to?

O'ROURKE: I believe it was Sergeant Shugars.

CARPENTER: When did you realize that Sergeant Shugars was at the scene?

O'ROURKE: Believe once we began- I was aware Sergeant Caldera was there for a while, at least since, you know, the switching of who was controlling the loudspeaker and the language of the commands. I'm pretty sure he began to kind of orchestrate that supervisorial stuff and then I realized Sergeant Shugars was there at some point after we retrieved the female from the back.

THOMPSON: And after you retrieved the female from the backseat of the Honda Civic, what's going through your mind at this point?

O'ROURKE: Kinda numb. You know it's very apparent that you've been involved in a deadly force encounter and besides this being just being grateful that you know, I wasn't shot and it didn't appear any other officers were shot, just kinda numb.

CARPENTER: After you provided your public safety statement to Sergeant Shugars, what happened?

O'ROURKE: So, there's a little confusion on-scene about how we were going to proceed forward from there. Lieutenant Ron Banta I think arrived and took command. I think he actually came over the radio and said, I'm assuming command, and gathered us up, and then we were each paired up with arriving officer from somewhere else and taken back to the station where we were

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sequestered.

THOMPSON: How long did it take you to get back to the station?

O'ROURKE: Actually, a little while. It was very -besides all the citizen onlookers and it seemed like very cop in the city was there, it took a while- like a few minutes to go find a car and get out of there.

THOMPSON: Do you know who drove you?

O'ROURKE: I don't. They were plain clothes so I don't remember. They weren't from my district.

THOMPSON: Any of the other officers involved with the shooting that evening in the car with you?

O'ROURKE: I don't remember.

THOMPSON: Okay. And when you arrived at the station, what happened?

O'ROURKE: Like I said, there was still -there was some confusion about like how we were gonna proceed with the issue of like the Body Cameras- when do we turn them off, when do we stop recording? So, they put us all in kind of different rooms until they kinda figured that out, hid us out all over the station and you're basically by yourself and that's about it. And then I sat there until they finally said, okay, we're gonna -now, we're at the station, we're gonna deactivate our cameras. It seemed like an hour; it seemed like forever. And then, you know, you don't want to have your, you know, camera on when you're trying to process what just happened. It's like nerve-wrecking in and of itself, the situation you were just put in.

THOMPSON: Do you know where you were placed at Mission

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Station?

O'ROURKE: I was initially placed in the old lineup room or the old report-writing room which is the new lineup room. It's right across from Lieutenant's office. And then I was moved from there to the Lieutenant's office and then I basically sat there and they had another officer who I think is like a psyche liaison type person, come and just like sit with you and make sure you're okay.

THOMPSON: Now is this on the first or second floor?

O'ROURKE: It's on the first floor on the south side of the building.

THOMPSON: Did you have a chance to call your wife at this time or did they call for you?

O'ROURKE: Think I gave her a quick call-

THOMPSON: Quick call.

O'ROURKE: And just say like, hey, something happened. I'm okay.

THOMPSON: Okay. And what's going on through your mind at this point? All of this is kinda slowing down at this point.

O'ROURKE: Well, it's the kind of things I recognize from, you know, prior high stress incidents where your body begins to dump chemicals. It's like a chemical dump. So, you're kinda flushed. You actually -your body's internal core temperature rises a little bit and I'm very happy that I'm alive. And very disappointed about the decisions that were made by the suspect.

CARPENTER: And what time did you go home that night or- yeah. What time did you go home?

O'ROURKE: Maybe like two or three in the morning, after we

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met with our POA attorney who came in and then they take all your stuff and I think maybe two, three, somewhere in there.

CARPENTER: Did you leave your magazine at the scene? Your empty magazine?

O'ROURKE: Yes ma'am.

CARPENTER: Were you told to leave your empty magazine at the scene or you just distinctively left it?

O'ROURKE: Yeah, they tell us in training if you're ever involved in a lethal encounter, it's no longer – it's a tactical situation once it's stopped. It's now a crime scene so you don't touch anything just like you wouldn't in any other crime scene. CARPENTER: Okay.

O'ROURKE: There's not a need to.

CARPENTER: You said that you spoke to your POA Rep after the incident?

O'ROURKE: Ah-

CARPENTER: Or your attorney?

O'ROURKE: Yes ma'am.

CARPENTER: Okay.

O'ROURKE: Which was not Mr. Nobles. It was-

NOBLES: On that night?

O'ROURKE: Um hmm.

NOBLES: I was there but I'm not sure- I talked to a number of people.

O'ROURKE: It's kind of a blur.

NOBLES: Yeah.

CARPENTER: Um hmm.

THOMPSON: Would it be either Mr. Brass or Mr. Shea? Mr.

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Shea, I believe-

NOBLES: Shea. Mr. Shea left. I took his clients.

THOMPSON: Oh, okay.

NOBLES: But Brass did show up and myself. Brass and then Shea had to fly off to Utah or somewhere, Colorado.

O'ROURKE: It was him.

NOBLES: Um hmm.

O'ROURKE: 'Cause he was gonna leave the next day.

NOBLES: Um hmm.

CARPENTER: And were you given a replacement weapon?

O'ROURKE: Yes ma'am.

THOMPSON: That evening or on your next shift?

O'ROURKE: That evening. They seized my weapon, all the magazines I had on my person and they seized my Body Camera and they took photos of me.

THOMPSON: And when did you- when was the next interview that you had regarding this incident? If you can recall.

O'ROURKE: I believe we had a sit-down at the POA Headquarters with our lawyers maybe four or five days after. I think that was the next time.

THOMPSON: Okay. And then how about with Homicide or IAD? Do you recall when those interviews were?

O'ROURKE: Four or five weeks, something like that.

THOMPSON: Oh.

NOBLES: May 18th.

THOMPSON: May 18th.

O'ROURKE: May 18th.

THOMPSON: For Homicide?

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NOBLES: IA.

THOMPSON: IA, okay. How about for Homicide? If you can recall.

NOBLES: I don't have those notes.

THOMPSON: Okay.

NOBLES: Sorry.

CARPENTER: We still have the record. We have the record.

NOBLES: Okay.

THOMPSON: When did you go back to work?

O'ROURKE: Five or six weeks after.

THOMPSON: Okay.

O'ROURKE: If I remember correctly, it was about a good month or so.

CARPENTER: Anything?

THOMPSON: That's it.

CARPENTER: Mr. Nobles? No? Okay. Is there any other statement relevant to this incident you wish to make at this time?

O'ROURKE: No ma'am.

CARPENTER: Are there any witnesses or other evidence relevant to this case that you intend to submit on your behalf?

O'ROURKE: No ma'am.

CARPENTER: Is there anything else you would like the Chief of Police to consider in- is there anything else you would like the Chief to consider?

O'ROURKE: No ma'am.

CARPENTER: The interview is concluded. The time now is 2:07 p.m.

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END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 42757-19 / 0097-18

INTERVIEW OF: OFFICER JOHN ISHIDA, #2035

DATE OF INTERVIEW: 07/24/2019

INV. MATT STONECIPHER: This interview is regarding DPA case number 0097-18. It is taking place at the Department of Police Accountability on July 24, 2019, at 3:38 p.m. Conducting this interview Investigator Matt Stonecipher. I work for the Department of Police Accountability. I've been designated by the Police Commission to conduct this investigation. Also present is-

TINNETTA THOMPSON, ATTORNEY: Tinnetta Thompson, Attorney assigned.

STONECIPHER: The member being interviewed is John Ishida, star number 2035, who is a named officer in this matter. Representing Officer Ishida is-

TONY BRASS, ATTORNEY: Tony Brass of 3223 Webster Street.

STONECIPHER: Officer Ishida, have you read the DPA form 293, an allegation form regarding the allegations of misconduct?

OFFICER JOHN ISHIDA: Yes.

STONECIPHER: Officer Ishida, because there may be criminal culpability on your part, I want to be certain that you understand that you have the following Rights: You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and

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after questioning. Do you understand each of these Rights that I've explained to you?

ISHIDA: Yes.

STONECIPHER: With these Rights in mind, would you like to answer my questions now?

ISHIDA: No.

STONECIPHER: Officer Ishida, while you have the right to remain silent criminally, it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Department of Police Accountability of the San Francisco Police Commission. I've been designated by the San Francisco Police Commission to conduct this investigation. I'm therefore ordering you on behalf of the Commission to answer my questions in this administrative investigation. If you refuse to answer my questions, your silence can be deemed insubordination or result in administrative discipline including and up to termination of your employment. Any statement that you make under threat of such discipline will be used for administrative purposes only and cannot be used against you criminally unless you chose to testify in a criminal case. Do you understand this order?

ISHIDA: Yes.

STONECIPHER: Officer Ishida, will you answer my questions as ordered at this time?

ISHIDA: Yes.

THOMPSON: Officer Ishida, have you- this is Tinnetta Thompson, T-I-N-N-E-T-T-A -have you testified in court before?

ISHIDA: I have.

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THOMPSON: Okay. So, this is pretty similar. We will be transcribing this interview so if you can just answer, you know, with a yes or no, you know, full sentences and not um hmm or you know, like that or making head movements that we can see but that can't be seen on the video- I mean the tape recorder.

ISHIDA: I'll do my best.

THOMPSON: All right, thank you.

ISHIDA: Okay.

STONECIPHER: Officer Ishida, earlier I provided you with a DPA Administrative Interview Advisements form, which you've signed and returned to me. I'll be placing this back to the DPA file. With these Advisements in mind, is there any reason you can't go forward with the interview at this time?

ISHIDA: No.

STONECIPHER: Okay. So, this interview is regarding an incident regarding a person with a gun that occurred on March 6, 2018, at around 10:36 p.m. at 20th and Capp Street. The subjects involved with the incident are Mr. Hades Delgado, who is the decedent, Mr. [redacted] who was the driver of the Honda Civic and the suspect- of the suspect vehicle and [redacted] was in the backseat of the Civic. So, Officer Ishida, so what we're gonna do I'm just gonna have you explain from the very beginning, you know, start to finish what happened, what you saw and then we're gonna backtrack and talk about training and some other things in your background and any further questions from that.

ISHIDA: Okay.

STONECIPHER: So, just describe to me as best as you can

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remember the incident in full detail from start to finish.

ISHIDA: Ah, I was working in uniform patrol in a marked police vehicle. I was on a different traffic stop at Mission and 20th Streets. I heard the unit come up on the radio saying, Code 33 or clear the air. I was not sure if it was a Mission unit or a Bayview unit so I kinda paused to figure out whose Code 33 it was, if you will. After further traffic, I heard Officer Cassinelli's voice advising they're at 20th and Capp. They had on-viewed a robbery involving a firearm and were attempting to conduct a felony stop with that vehicle. Based on hearing that, we terminated our entirely different traffic stop and responded to the area. We came down south on Capp, approaching 21st Street and I observed a- think it was a Honda with the trunk open. And I saw a subject laying down inside the trunk and I saw, to the best of my recollection, I believe it saw two patrol vehicles positioned in a manner consistent with a high-risk traffic stop. Um, I instructed my recruit officer who was driving, to place our vehicle in the crosswalk so as to block any incoming traffic from this high-risk traffic stop. I walk up towards the vehicle and as I'm walking up, I see two officers- I can't- I couldn't tell you who they were. I don't remember. But they were cuffing the driver of the vehicle and bring him back to our patrol vehicle as I'm approaching the suspect vehicle. Officer Nagai is standing in-between a patrol vehicle and the parked vehicles that are along the west curb of Capp Street. So, I come up behind Officer Nagai and I tap up to him to let him know I'm there. And because Officer Cassinelli broadcasted that this is a robbery involving a firearm, I drew

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my firearm and pointed it at the individual in the trunk. I should point out as I'm walking up towards Officer Nagai and approaching his vehicle, I hear multiple officers, including Officer Cassinelli's voice, ordering the subject to show his hands, to get out of the trunk and all I can- as I'm walking up, he's remaining inside the trunk so he's not complying with these commands. While we're- so, we have our firearms pointed at the vehicle, we're trying to get him to come out of the trunk and surrender peacefully, um, commands are being given in English and then someone thinks maybe there's a language barrier so I hear- I know Officer Santana started giving verbal commands in Spanish. And then later, Officer Banegas showed up and gave commands over a patrol vehicle's microphone or PA system. During- while the commands are being given, he's laying on his right side and multiple times I see him reach down with his left hand towards his rear waistband and every single time he did that, everyone, you know, hey, stop. Let me see your hands. Don't reach for anything. I couldn't really see what he was reaching for at that time. No one- no one saw a firearm at that time which is why he wasn't- why no one discharged their firearms at that time. But this happened three- three times where he'd reach for his waistband. Everyone yells telling him to show his hands. Brings that hand back up and then it kind of goes back to normal or as normal as it was for that situation. Officer Banegas is giving him commands on the PA. I have a high school level of Spanish but I did hear her say something to the effect of like or similar, she said, please, you know, please show us your left hand. And so, she's giving those commands.

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He's still not complying. This goes on for -at the time Officer Santana then elects to use the ERIW. He gives out the commands, you know, red light, red light, less lethal. Everyone else that goes red light because we know it's gonna be less lethal rounds and we don't want any sympathy fire. He lets go of one round. And then I see it hit the suspect in the ah, the upper body area. And then he kinda- he takes the hit and he's kinda sitting there and he looks angry. And I could see him kinda like talking to himself or something. And then I hear him say, ah, man, fuck you. And then he comes up super-fast, um, with his left hand and I see a muzzle flash and I hear two gunshots. And I thought, I mean I thought I was gonna get shot. So, I was in fear for my life and for the other officers and people on-scene so I returned fire. Um, you want me to continue all the way through- okay. So, returned fire. He um, then I kinda see the trunk lid close a little bit. Like he kinda like falls back and the trunk lid closes. We were not sure if he was pretending to be dead or play possum if you will, and prepping for an ambush. I've seen it before. You know, either they fake surrender or they pretend that the weapon had an affect and then you go to make the arrest and then the fights on again. So, we weren't sure if we had the situation again. Eventually, some officers get the ballistic shields. We make the approach and remove him from the car. Um, while I was assisting in removing him from the car, I did see a handgun in the trunk. Then I helped render medical aid to the suspect. Then the Fire Department showed up and they're more qualified than we are so they took over. And then that was it. STONECIPHER: All

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right. So, we're gonna backtrack a little bit now.

ISHIDA: Sure.

STONECIPHER: So, Officer Ishida, did you review any documents to prepare for this interview today?

ISHIDA: I did.

STONECIPHER: And what did you review?

ISHIDA: Transcripts from my Homicide interview and my Internal Affairs interview.

STONECIPHER: Have you reviewed any videos to prepare for this interview today?

ISHIDA: No.

STONECIPHER: Okay. Have you reviewed any body cam footage of the incident?

ISHIDA: Are you talking about at all?

STONECIPHER: Yeah. At all.

ISHIDA: Yes.

STONECIPHER: Okay. What did you review? Do you remember whose Body Cam footage you looked at?

ISHIDA: Mine.

STONECIPHER: Okay.

THOMPSON: And when did you do that?

ISHIDA: This would have been ah, during the Homicide interview.

STONECIPHER: Did you look at anyone else's Body Cam footage?

ISHIDA: I did. Officer Nagai.

STONECIPHER: And how many times have you been interviewed regarding this incident?

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ISHIDA: This will be number three.

THOMPSON: Going back, what made you review Officer Nagai's Body Camera footage?

ISHIDA: I flanked him when we were in the middle of Capp Street.

THOMPSON: What does that mean?

ISHIDA: I'm sorry. I was on his back-right corner.

THOMPSON: Okay.

ISHIDA: And so, his Body Camera just had a better viewpoint than mine.

STONECIPHER: This happened last year. As time has passed, have you remembered any details of the incident that you were unable to recall shortly after the incident?

ISHIDA: No.

STONECIPHER: Is there anything that wasn't covered in the IAD or Homicide interviews that you'd like to add to the record at this time?

ISHIDA: No.

STONECIPHER: Is there anything from those interviews you'd like to clarify on?

ISHIDA: No.

STONECIPHER: Other than your attorney, have you spoken to anyone else about this case?

ISHIDA: No.

STONECIPHER: How long have you been employed with SFPD for?

ISHIDA: It's coming up on [redacted].

STONECIPHER: And where were you stationed at the time of

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the incident?

ISHIDA: Mission Station.

STONECIPHER: And how long were you assigned to that station?

ISHIDA: It would be about three years.

STONECIPHER: Okay. And what was you assigned sector that day?

ISHIDA: I was the Prostitution Abatement Unit.

STONECIPHER: And where are you currently stationed?

ISHIDA: Mission Station.

STONECIPHER: Have you worked in any other law enforcement agencies during your career?

ISHIDA: No.

STONECIPHER: And have you had any previous involvement with any of the three parties- any- the three people who were in the car prior to this incident?

ISHIDA: No.

STONECIPHER: You were on duty on March 6, 2018. Is that correct?

ISHIDA: Yes.

STONECIPHER: And what was your shift?

ISHIDA: Midnights which would be 2100 or nine in the evening until seven in the morning.

STONECIPHER: How many hours of sleep did you get the night before your shift?

ISHIDA: Eight.

STONECIPHER: What time did you arrive to work that day?

ISHIDA: Eighty-thirty.

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STONECIPHER: Did you make lineup?

ISHIDA: I did.

STONECIPHER: And did you have a partner that day of the incident?

ISHIDA: I had two.

STONECIPHER: Oh. Who were they?

ISHIDA: They're now officers but at the time they were recruit Officer Wynkoop and recruit Officer Bohannan.

STONECIPHER: Okay. And between yourself and those officers, who was the senior officer?

ISHIDA: I was.

STONECIPHER: And how long had you been working with those two for?

ISHIDA: A week.

STONECIPHER: Do you wear glasses?

ISHIDA: No.

STONECIPHER: Do you wear prescription contact lenses?

ISHIDA: No.

STONECIPHER: Describe the uniform you were wearing that day?

ISHIDA: I believe it was- sorry. I know it's not a trick question. I'm trying to figure out if I'm like- I was in Class B like wools if you will or if I was in the- I can't remember. It was either this what I'm wearing right now or the Class B wool uniform.

STONECIPHER: Okay. Well, are you able to recall was your name visible on your uniform that day?

ISHIDA: Yes.

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STONECIPHER: Did you have on your SFPD patches?

ISHIDA: I did.

THOMPSON: And were you wearing your Body Worn Camera?

ISHIDA: I was.

THOMPSON: And your utility belt?

ISHIDA: Yes.

THOMPSON: And could you explain what the- you said you were in the Prostitution Unit that night?

ISHIDA: Um hmm.

THOMPSON: What does that entail?

ISHIDA: Usually it just means patrolling the track that's located within the Mission District. It's 15th- 22nd and Mission to Harrison. A lot of prostitution related activity comes there. It's um, the abatement is largely discretionary. That means like just talking to them and seeing if they need resources or the enforcement- if they continue to not listen to you. That was my assignment.

THOMPSON: And you're in full uniform at this time.

ISHIDA: Yes.

THOMPSON: There's no decoy or anything like that?

ISHIDA: No, no.

THOMPSON: No. Okay.

STONECIPHER: Okay. And you talked about it a little bit, but what equipment did you have on your person? So, you had on your utility belt. Can you give me a breakdown of the equipment that you had on you?

ISHIDA: Yeah. I had my City Department-issued magazines. I had a Department approved RCV baton. I had my Department-

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issued OC spray. My radio. I had a med kit. I had my key holder. Department-issued firearm and then Department-issued handcuffs.

STONECIPHER: And what was your primary firearm?

ISHIDA: The Sig, .226.

THOMPSON: And that's Sig Sauer?

ISHIDA: Yes. Sorry. Thank you.

STONECIPHER: And do you carry a backup weapon?

ISHIDA: I do not.

STONECIPHER: Was your gun fully loaded?

ISHIDA: Yes.

STONECIPHER: And how many bullets did you have when you started your shift?

THOMPSON: And that's not a trick question.

ISHIDA: No, yeah, yeah.

STONECIPHER: No, [unintelligible].

THOMPSON: Yeah. That gets me every time, so yeah.

ISHIDA: Matt is hard. Two 12-racked magazines and then 13 in the gun.

STONECIPHER: Okay. And do you have any extra magazines or is it just the two?

ISHIDA: It's just the two.

STONECIPHER: Okay. And were you in a vehicle that day of that incident?

ISHIDA: Yes.

STONECIPHER: Okay. And what was it? What was the type of vehicle?

ISHIDA: It was a Crown Victoria. It's vehicle number 11-

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11.

STONECIPHER: And were you the driver or passenger in that vehicle?

ISHIDA: I was the passenger.

STONECIPHER: Okay. And where were the other two officers? Where were they in the car?

ISHIDA: Officer Bohannan was driving and Officer Wynkoop was front passenger.

THOMPSON: So, are you like in the field training ah, or like FTO?

ISHIDA: Yes.

THOMPSON: Okay.

STONECIPHER: And ah, what equipment did you have in your vehicle the night of the incident?

ISHIDA: Ah, we would have checked out the ERIW. And a patrol rifle.

STONECIPHER: And are you required to have an ERIW in your vehicle?

ISHIDA: Yes.

STONECIPHER: Now other than the ERIW, were there any other less lethal options in your vehicle that day of the incident?

ISHIDA: I mean if you're not counting the pepper spray and my baton, no.

STONECIPHER: Right. Okay. Okay, so, what type of training have you received regarding felony traffic stops?

ISHIDA: What's covered in the Basic Police Academy.

STONECIPHER: Okay. What about any additional experience out in the field?

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ISHIDA: I mean if you're asking if I've participated in high-risk traffic stops or felony stops before, yes, countless felony stops.

STONECIPHER: What type of training have you received regarding barricaded suspects?

ISHIDA: Again, what is provided in the Basic Police Academy.

STONECIPHER: Do you recall like the courses or hours or anything like that?

ISHIDA: I don't. It's been a while.

STONECIPHER: What about any experience in the field with barricaded suspects?

ISHIDA: One or two.

STONECIPHER: Okay. Now what type of training do you receive regarding suspects in trunks of vehicles?

ISHIDA: Yeah, it's a new one. No.

STONECIPHER: Okay. And again, what type of training have you received regarding armed suspects?

ISHIDA: Basic Police Academy. I did attend active shooter training as well.

STONECIPHER: And have you had any experience in the field with that?

ISHIDA: Yeah.

THOMPSON: Do you recall when that last active training was?

ISHIDA: 2015.

THOMPSON: And what did it entail? Do you remember?

ISHIDA: It was just if there's an active shooter. I mean

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I hate to sound like a smartass but like it just- what to do with an active shooter. You know, like is it a move to contact scenario? Is it a search to contact scenario? If you have a threat, how are you going to facilitate medics moving into treat wounded?

THOMPSON: How long was that course?

ISHIDA: It was one day.

THOMPSON: One day?

ISHIDA: Yeah.

THOMPSON: Okay.

STONECIPHER: Again, what type of tactic- what time- I'm sorry. What type of training have you received regarding tactical considerations in patrol and technique- in patrol techniques?

ISHIDA: I'm not tactical considerations [unintelligible].

STONECIPHER: So, I guess type of training regarding tactical positioning, like let's say there was a felony stop, right?

ISHIDA: Sure.

STONECIPHER: So, what kind of training have you received regarding how to I guess organize yourselves or how to like plan in regards to like a high-risk traffic stop? Does that make sense?

ISHIDA: Oh. Yeah. Yeah.

STONECIPHER: Okay, good.

ISHIDA: I mean, again, Basic Police Academy. They cover that stuff and then like an active shooter as well, they cover

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how to organize yourselves in order to end the threat.

STONECIPHER: Okay. And again, kinda similar to that, um, what type of training have you received regarding again, tactical considerations in patrolling that we were talking about before but involving let's say several officers. Have you had any training with that prior to this incident?

ISHIDA: I hate to repeat myself, but yeah, Basic Police Academy and the active shooter training. There were multiple officers for that scenario.

STONECIPHER: Okay. And do you speak any other languages?

ISHIDA: No.

STONECIPHER: Okay. And at the range, what firearms are you certified to use?

ISHIDA: I've been trained for the Department-issued Sig Sauer P226. The ah, Beretta shotgun and the ah, ERIW.

STONECIPHER: Okay. Do you know how often you have to get recertified for each of those?

ISHIDA: It would be every six months.

STONECIPHER: Yeah.

THOMPSON: For all three?

ISHIDA: Ah, no. So, that handgun you qualify every six months. And then they alternate between the shotgun and the ERIW.

STONECIPHER: And have you received CIT Training?

ISHIDA: No.

STONECIPHER: Have you received Advanced Officer Training?

ISHIDA: Yes.

STONECIPHER: Do you remember when that last was?

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ISHIDA: Maybe last year.

STONECIPHER: Okay.

BRASS: 2018?

ISHIDA: Yes.

STONECIPHER: Have you received any de-escalation training?

ISHIDA: When I became certified as an FTO, there was a 10-hour block of CIT and de-escalation.

STONECIPHER: And do you remember where that was held?

ISHIDA: The Academy.

STONECIPHER: Have you received any training on crisis negotiation?

ISHIDA: Are you asking if I'm a hostage negotiator?

STONECIPHER: Or just- not necessarily. So, anything involving I guess people in crisis or dealing with- yeah, people who, you know, have a firearm or like an edged weapon or-

ISHIDA: Oh, got you.

STONECIPHER: Yeah.

ISHIDA: There was um- I can't remember how many- I did go to the Academy. We did go over that.

STONECIPHER: Okay. Okay, so I'm gonna show you a couple images now. So, these are kind of- these are shots of 20th and Capp Street kinda after the incident. So, this one we're gonna mark as Exhibit 1. So, this is obviously not to scale. So, what I want you to do is just kind of- so, we've got the suspect vehicle here.

ISHIDA: Um hmm.

STONECIPHER: So, southbound on Capp Street. If you can put- first off, if you can write your name and your star number

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on there.

ISHIDA: Okay.

STONECIPHER: You can take pictures – okay.

THOMPSON: Or is this [unintelligible]?

ISHIDA: Sure. [Unintelligible].

STONECIPHER: So, put your name and star number on there.

ISHIDA: Got it.

THOMPSON: And today's date.

STONECIPHER: And today's date. Thank you. And then just indicate with an 'X' kinda where you were.

ISHIDA: Got it.

STONECIPHER: On here during this incident.

THOMPSON: Actually, if you can just put- yeah, the 'X' but also right by it your initials and star number.

ISHIDA: I understand.

STONECIPHER: Thank you very much. And this is Exhibit 2. This is another shot of the crime scene. Um, so kinda same thing. Write your name and star number and then kind of put an 'X' like where you were and put your initial by it and if you can see the car that you were in in this image, circle it too as well.

ISHIDA: I understand.

BRASS: You're good. No, no, you're fine.

ISHIDA: You want me to date it as well?

THOMPSON: Yeah, you can date and star number on the corner, any corner.

ISHIDA: Oh, got you. Okay.

STONECIPHER: All right. Now we might be rehashing a

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couple things with some of these questions but it's not to trip you up or anything. It's just for the sake of clarity.

ISHIDA: Sure.

STONECIPHER: Um, so, you touched on it earlier but what were you doing prior to your response to 20th and Capp Street?

ISHIDA: A completely unrelated traffic stop.

STONECIPHER: Okay.

THOMPSON: What was the nature of that traffic stop? Do you recall?

ISHIDA: Again, not to sound like a smartass. There was probably a traffic violation and we stopped the car for it.

THOMPSON: Okay. But nothing to do with the prostitution?

ISHIDA: Correct.

THOMPSON: Okay.

STONECIPHER: Okay. And again, why did you respond to 20th and Capp Street?

ISHIDA: I heard Officer- well, who I later found out to be Officer Cassinelli, had come up on the radio and asked for the air. And then saying that he had ah, on-viewed a robbery involving a firearm.

STONECIPHER: And what information did you received prior to responding to the call? What did you know up until you got there?

ISHIDA: All I knew was robbery, a firearm and that the suspect in that call or on-viewed if you will, was being stopped in the area of 21st and Capp.

STONECIPHER: Okay.

THOMPSON: Earlier you mentioned- earlier you mentioned

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that you might have thought the call came from Bayview. What made you think that?

ISHIDA: So, he- Officer Cassinelli, who I later found out was Officer Cassinelli, he keyed up and I guess whether it be adrenaline or technical issues with his radio, all he mentioned, you know, was Code 33. So, he didn't- he wasn't able to prefix it with his unit identifier.

THOMPSON: Okay. And so, you sometimes get cross-jurisdictional calls-

ISHIDA: Oh, Bayview and Mission- I'm sure you already know. Bayview and Mission share the channel so like I said, I didn't know if it was a Bayview unit or a Mission unit.

THOMPSON: Okay. And what is Code 33?

ISHIDA: Ah, just that's radio code for just like clear the air. I need the air.

THOMPSON: Okay.

STONECIPHER: All right. Okay. And prior to getting there, did you discuss any tactics and plans with the other officers you were with?

ISHIDA: No.

STONECIPHER: Okay. And when you arrived on-scene, did you discuss any tactics or plans with any other officers?

ISHIDA: I did- if this counts, I did tell Officer Bohannan what- because I saw in the patrol vehicles on the car like what is the third one gonna do, so I did tell him to like block the traffic so that no civilians drove into that stop.

THOMPSON: So, you got out of the car when you gave him these instructions.

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ISHIDA: As- as we were arriving.

THOMPSON: Okay, okay.

ISHIDA: I gave him these instructions, yes.

STONECIPHER: Okay. Were you one of the first officers to arrive on-scene?

ISHIDA: No.

STONECIPHER: Do you recall who might have been?

ISHIDA: Obviously Officer Cassinelli since he on-viewed it. Um, I couldn't tell you who the second or third officers were.

STONECIPHER: Okay. And do you remember who else was there when you arrived?

ISHIDA: Again, I remember seeing Officer Cassinelli and Officer Tupper effecting the felony stop and like I said, I saw some officers um, taking the driver into custody but I couldn't tell you who they were.

THOMPSON: Do you know how many officers?

ISHIDA: Were taking him into custody?

THOMPSON: Yes.

ISHIDA: I want to say two.

THOMPSON: Two?

STONECIPHER: And who's the highest-ranking officer on-scene at that time when you arrived?

ISHIDA: I guess- oh, no. I don't- I don't know.

STONECIPHER: Okay. Where you concerned about cover at that time?

ISHIDA: Yes. We're taught to seek out cover.

STONECIPHER: Okay.

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THOMPSON: What does that mean to seek out cover?

ISHIDA: Obviously, for your own safety, you want to mitigate the threat to yourself so in a perfect world, a black and white world, anytime you took on someone, you would first seek a position of advantage which in this case, would include cover before contacting a suspect.

THOMPSON: Is this like a position of safety so that you-

ISHIDA: Cover will stop incoming fire.

THOMPSON: Okay.

ISHIDA: In a perfect world.

THOMPSON: Okay.

STONECIPHER: And who was providing lethal cover during this incident?

ISHIDA: I mean everyone that had their gun pointed at the car.

STONECIPHER: Okay. And who- who- do you recall any [unintelligible]?

ISHIDA: Oh, I'm sorry, I'm sorry. Um, again, it's Officer Cassinelli, Officer Tupper, Officer Nagai, myself. That's really the only people I can clearly remember having their guns pointed at the car.

STONECIPHER: Okay. Were you assigned that role or did you decide to take on that role yourself as lethal cover?

ISHIDA: I assigned it myself.

THOMPSON: And when you took your position of cover, how far away were you from the Honda?

ISHIDA: Maybe a car and a half, two car lengths away.

THOMPSON: Was there anything like obstructing your view?

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ISHIDA: No.

THOMPSON: No. Okay. Do you know how many feet that is, a car length or two?

ISHIDA: That's why I said car.

THOMPSON: Yeah.

ISHIDA: I was hoping to get away with that one.

BRASS: Big as this room?

THOMPSON: Yeah.

ISHIDA: Yeah, yeah. That seems appropriate, yeah.

THOMPSON: Okay.

BRASS: Looks like ten feet.

THOMPSON: I was gonna say [unintelligible].

STONECIPHER: Yeah, yeah, I don't even know.

THOMPSON: I guess we have a sheet telling me- that tells me.

ISHIDA: Yeah. I'm picture myself laying down.

THOMPSON: Yeah.

ISHIDA: If I go not two of me but maybe a little more than one and a half.

STONECIPHER: Right.

THOMPSON: All right.

ISHIDA: Yeah.

THOMPSON: Thank you.

ISHIDA: Yeah.

STONECIPHER: And at what point did you draw your handgun?

ISHIDA: Upon arriving on-scene and as I approached Officer Tagai.

STONECIPHER: And you touched on this earlier but ah, the

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driver of the vehicle, [redacted], where was he when you arrived on-scene?

ISHIDA: He was outside of the car and being placed into handcuffs by two other officers.

STONECIPHER: Do you recall him saying anything during that?

ISHIDA: No.

STONECIPHER: Okay. And where was Mr. Duarte during this?

ISHIDA: I'm sorry. That's the individual in the trunk. Sorry. Um, well, he's in the trunk.

STONECIPHER: Um hmm. And what was he doing?

ISHIDA: Ah, he was laying down on his right side and- and like I said, I think- I think I said earlier multiple people were yelling at him in English to, you know, show his hands and to exit the trunk and surrender. But he was just laying there not complying with commands.

STONECIPHER: Okay. Were any of his limbs outside of the trunk?

ISHIDA: No. I don't remember.

STONECIPHER: So, like legs or feet or anything like that?

ISHIDA: I mean like I said, from my recollection here, he's laying on his right side inside the trunk. If you're asking me like he had a foot or a leg sticking out, I don't remember.

STONECIPHER: Yeah. Okay. Could you see his face during this?

ISHIDA: Yes.

STONECIPHER: And describe his face. What did his face

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look like?

ISHIDA: I remember he was like squinting, probably because of all the spotlights.

STONECIPHER: Okay. Now describe the lighting conditions the day of the incident.

ISHIDA: Ah, he was- or the scene was illuminated by street lights, patrol vehicle headlights, and then several patrol vehicles spotlights.

STONECIPHER: Okay. Now were there any lights on inside the vehicle? Like dome lights.

ISHIDA: Oh, I understand what you're saying. Ah, I don't remember.

STONECIPHER: Okay. And were there any lights on inside the trunk, like a little- you know how you pull up the –

ISHIDA: No, I understand, yeah. I- I don't remember if the trunk light was on.

STONECIPHER: Okay. And how was your visibility during all this?

ISHIDA: It was good.

STONECIPHER: Okay. And did anything obstruct your view of Mr. Duarte?

ISHIDA: No.

THOMPSON: And up until this point, how long had you been on the scene?

ISHIDA: My time perception is kind of all messed up. I mean it felt like we were doing this for ten minutes but in actuality maybe it was five.

STONECIPHER: Were you able to make out like the color, the

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make and the model of the vehicle?

ISHIDA: I mean I know it was blue. Um, in terms of make and model, not really because the trunk which would have the emblem and the model and all that was up.

STONECIPHER: And just kind of describe his attitude and demeanor during all this.

ISHIDA: So, roll up. So, I'm just walking through it. Roll up, he's laying in the truck. He's squinting because of the spotlights. Um, I mean to be honest, I mean at- upon initially showing up, he wasn't like making an angry face if that makes sense. Or making a sad face if that makes sense. But he definitely- he was like looking around, um, and as I said before, he wasn't listening to commands so I don't think he made a disobedient face if that makes sense but his demeanor, if you will, was disobedient. He wasn't listening to commands. And just wanted to stay in the trunk.

STONECIPHER: Got it. Now did he speak at any point during this?

ISHIDA: Like I said, I saw him kinda mouthing words.

STONECIPHER: Um hmm.

ISHIDA: I couldn't make out what he was saying. Um, the only speaking I heard him say was, man, fuck you, right before he shot his gun.

STONECIPHER: Now, just kind of describe the environment where this incident happened. So, when I say that, was there a lot of pedestrian traffic? Was there construction? You get what I'm saying?

ISHIDA: Oh, I understand. Yeah, I do.

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STONECIPHER: Yeah.

ISHIDA: The roadway, to my recollection, was relatively clear of pedestrian traffic. I don't recall any active construction going on. I do remember that any time civilians would walk onto Capp- that block of Capp, multiple officers would give the command, hey, you know, get off this block. Move. So, they were being addressed as they presented themselves.

STONECIPHER: Okay. And how many units were on-scene during this incident?

THOMPSON: If you can recall.

STONECIPHER: That you can recall.

ISHIDA: Got you. Me, Cassinelli's unit, the other patrol- at least five.

STONECIPHER: Okay. And you kinda touched on it earlier but I just earlier but I just wanted to clarify. Have you been in a situation like that before?

ISHIDA: You talking about on-view robbery with a man in a trunk or-?

STONECIPHER: Yeah.

ISHIDA: No.

STONECIPHER: Okay. And from a tactical standpoint, can you just explain the purpose of creating time and distance? Like why do you guys do that? What's the purpose of it?

ISHIDA: Time and distance? Matt, it's so you can set up- well, I have to read it- but time and distance so you can assess the situation and figure out what the correct course of action would be.

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STONECIPHER: And what are you trained to do with non-compliant individuals? So, someone you're giving commands to-

ISHIDA: Right.

STONECIPHER: And they're not doing anything.

ISHIDA: Sure.

STONECIPHER: So, what are you trained to do? Like what are you other options? What are you trained to do next in those situations?

ISHIDA: You resort to your use of force continuum and then from that use of force you select the whatever use of force you deem necessary to effect the arrest.

THOMPSON: And what is the use of force continuum?

ISHIDA: It goes- you guys know what's on it obviously, but ah-

THOMPSON: What's on it, yes.

ISHIDA: I mean mere command presence is one. Verbal commands, physical control holds, OC spray, ah, baton. There was the carotid- that has been removed. And then firearm.

STONECIPHER: And now what are you trained to do when you are at a location of disadvantage where to let's say you can't see the person clearly or something like that?

ISHIDA: Um hmm.

STONECIPHER: Like what are you trained to do in those types of situations?

ISHIDA: So, you're asking if in the scenario I didn't have a line of fire?

STONECIPHER: Right.

ISHIDA: I mean ideally in a black and white world you

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would find one that offered you a line of- you would move to a different position that gives you line of sight as well as cover. STONECIPHER: And what were your primary concerns at this point as he's receiving commands, you know, you're providing lethal cover- what are you concerns during this point? What are you thinking?

ISHIDA: He's doing a lot of weird stuff with his left hand. He kept coming into view and then disappearing into the trunk. It's just- it wasn't consistent with normal behavior that I've seen on felony stops. I say "normal" in quotes because no felony stop is really normal. But so that was my concern like what is he reaching for.

STONECIPHER: Um hmm. Okay.

THOMPSON: What's going through your mind at this time?

ISHIDA: I would really like for him to stop reaching. I don't know- I mean and we can only go with what we know and the unit said it's a robbery involving a firearm so, I mean you know, you don't want to draw on someone but at the same time you have to take into consideration that he's reaching for a firearm in that trunk.

STONECIPHER: Okay. Did you discuss with any other officers- when you were realizing you're giving commands, he's not complying- did you discuss with any other officers any other tactics or any other planning you guys should do like- because you obviously have to re-assess.

ISHIDA: Sure.

STONECIPHER: Right?

ISHIDA: I don't recall having like a huddle or anything

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like that. I do remember at some point someone floated the idea well maybe this guy only speaks Spanish.

STONECIPHER: And were you told how many individuals were in the vehicle when you arrived on-scene?

ISHIDA: No.

STONECIPHER: And were you given the exact location of the vehicle?

ISHIDA: Yeah, I think Officer Cassinelli initially put out his on-view at 20th and Capp.

STONECIPHER: Okay.

ISHIDA: And then as we were en route, he corrected it to 21st and Capp.

STONECIPHER: Okay. Were you given instructions at any point in this incident?

ISHIDA: By?

STONECIPHER: Any other officers?

ISHIDA: No.

STONECIPHER: Okay. Did you discuss any other tactics or plans with other officers when Mr. Duarte was given commands in Spanish or refused to exit the trunk? So, he's given commands in English, right?

ISHIDA: Sure.

STONECIPHER: Um, so, when he gets commands in Spanish, are you then re-accessing again and asking other officers, okay, we need to- English isn't working. He's not responding to the Spanish commands. Do you go and talk with anyone else about another plan?

ISHIDA: No.

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THOMPSON: Are you giving commands to Mr. Duarte who's in the trunk at this time?

ISHIDA: Ah, every time he reached, I did yell in English, like, hey, stop reaching. Show us your hands. And there's one time before I knew that Officer Santana- he speaks fluent Spanish, and before I knew that Officer Banegas was there who speaks fluid Spanish, I gave like one command like, exit the car in Spanish.

THOMPSON: Oh.

ISHIDA: And like just one.

THOMPSON: Um hmm.

ISHIDA: I didn't know if he heard it. And then Officer Santana and Officer Banegas were there.

STONECIPHER: Okay. And can you just give me a breakdown what were the specific verbal commands that were given to Mr. Duarte?

ISHIDA: I mean I remember multiple people yelling, hey, stop reaching.

THOMPSON: And what would be the response from the individual in the trunk, Mr. Duarte, each time the commands were given?

ISHIDA: He would continue to- so he- he- as soon as that hand disappeared, you know, the tension would rise. Like, hey, stop reaching. Show us your hand. And he'd kinda fiddle- it looked like he was just- I don't know. He was not listening obviously and then it would kinda come back up and then everyone would calm down, if that makes sense.

THOMPSON: And how far away are you from Mr. Duarte at this

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time?

ISHIDA: Again, like the- the two rooms or two and half rooms.

THOMPSON: Okay.

ISHIDA: Yeah.

STONECIPHER: And you touched on it earlier but I just want to clarify. Do you remember the commands that were giving in Spanish?

ISHIDA? Ah, again, only my high school Spanish here-

STONECIPHER: Um hmm.

ISHIDA: But um, when Officer Banegas is doing it on the PA, I hear, you know, Senor, please, show us your left hand.

THOMPSON: And from the time you arrived on the scene to the time these commands are given in both English and Spanish and by yourself at this time, how much time do you believe had passed?

ISHIDA: I mean if felt like forever. Maybe two to five minutes maybe.

BRASS: Just to clarify. From his arrival till Banegas is giving commands?

THOMPSON: In English and Spanish.

BRASS: Okay.

THOMPSON: Yes.

BRASS: Okay. Got it, okay.

THOMPSON: Um hmm.

STONECIPHER: And where were you positioned when Mr. Duarte was given verbal commands?

ISHIDA: Where I indicated an 'X' on Exhibits 1 and 2.

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STONECIPHER: Okay.

THOMPSON: I'm sorry. That two to five minutes. You said it felt like five minutes from when you first arrived and they were escorting the individual from the driver's side?

ISHIDA: Well then, I misunderstood that question.

THOMPSON: Okay, yes.

ISHIDA: Because he was being escorted as soon as I arrived on-scene.

THOMPSON: Okay, yes. So, then how much time had you been on-scene from the time you arrived to the time this ah, the ah, the commands were given in Spanish and English? Can you recall? To the best of your recollection.

ISHIDA: No, I just don't want to misunderstand you again.

THOMPSON: Yeah, um hmm.

ISHIDA: So, we're not talking about Mr. [redacted] anymore. We're talking about how much time had elapsed between me coming on-scene and then Spanish commands being given.

THOMPSON: Yes.

ISHIDA: Again, maybe two to five minutes.

THOMPSON: Two to five minutes.

ISHIDA: Yeah.

THOMPSON: Okay. But it felt like forever.

ISHIDA: It did.

THOMPSON: Okay.

STONECIPHER: Now when did you become more aware that there was someone in the backseat of the vehicle?

ISHIDA: After shots were fired.

STONECIPHER: And were you able to see her during- before

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shots were fired?

ISHIDA: No.

STONECIPHER: Okay. And why is that?

ISHIDA: I had no idea she was there.

STONECIPHER: Okay.

ISHIDA: Yeah.

THOMPSON: Was there any interior lights coming from the car when you-

ISHIDA: I don't-

THOMPSON: At any point, you don't remember seeing any?

ISHIDA: I don't remember.

THOMPSON: Okay.

STONECIPHER: Were the windows in the vehicle tinted, the back windows?

ISHIDA: I don't remember.

STONECIPHER: Okay. And how were you informed that there was a female in the back of the vehicle? Did someone tell you?

ISHIDA: After shots were fired, I heard screaming like, my girlfriend, my girlfriend. And I was confused because obviously Mr. Duarte is a man so I- and then I saw her raise her hands from the backseat where that sound coming out.

STONECIPHER: And again, just an approximate. How long had it been from when you arrived on-scene till you realized there was a female that was in the vehicle? If you had to approximate the time.

ISHIDA: I mean if we're going five minutes till the Spanish commands being given, maybe- by that logic, maybe ten- ten minutes.

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STONECIPHER: And did you inform any other officers that ah, she was in the backseat?

ISHIDA: Um, no. I didn't deem it necessary because shots had stopped. And she came into a surrendering position. Again, I hate to draw so much but it seems that everyone had- was accessing the scene and was aware of her presence so me screaming at everyone that there's a girl was not going to really do anything.

STONECIPHER: And were any verbal commands given [redacted] during this incident?

ISHIDA: I don't remember any specific commands being given to her.

STONECIPHER: And when you were providing cover, how close were you to the suspect vehicle?

ISHIDA: Again, the two and a half rooms.

STONECIPHER: All right. You remember who was next to you?

ISHIDA: Officer Nagai was front and left of me.

STONECIPHER: And when Officer Banegas was on the bullhorn giving commands, how was Mr. Duarte responding?

ISHIDA: He was not.

BRASS: You mean after the shooting?

STONECIPHER: Yes, after the shooting.

BRASS: Okay.

STONECIPHER: Yeah. But no, I'm sorry. Before the shooting.

THOMPSON: No.

BRASS: Okay.

STONECIPHER: Yeah, yeah, yeah. Okay, did you change your

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position at any point during this incident?

ISHIDA: Yes.

STONECIPHER: Okay. And describe that for me.

ISHIDA: So, after shots were fired and we accessed the scene, and then it dawned on me that perhaps he's playing possum if you will, and we could be facing a second attack, um, I realized that Officer Nagai and I were in-between two cars and did not have a position of cover so I conveyed to Officer Nagai, hey, we need to go to the right and get behind a car.

STONECIPHER: Do you remember the car you got behind?

ISHIDA: I don't.

STONECIPHER: Okay.

ISHIDA: I mean I think it was one of the parked cars if that helps.

STONECIPHER: Um hmm.

ISHIDA: But I don't- I couldn't tell you specifically which one it was.

STONECIPHER: And you said your firearm was drawn. So, where was your- what was your firearm pointed at?

ISHIDA: Ah, the suspect in the trunk.

STONECIPHER: Did you retrieve your ERIW at any point during this incident?

ISHIDA: No.

STONECIPHER: And why is that?

ISHIDA: I had already assumed a position of lethal cover. And I had a good vantage point.

STONECIPHER: And how close were you to Officer Santana when he fired the ERIW?

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ISHIDA: Not close. He was on the other side of the scene, if you will, to my left.

STONECIPHER: And were any warnings given by Officer Santana before he fired the ERIW?

ISHIDA: Yes.

STONECIPHER: And what were they?

ISHIDA: I- I heard him give commands in Spanish and then I think we touched on this earlier, he- he did give the ah, the ERIW verbal commands, you know, red light, red light, less lethal. Show me your hands or I will shoot.

THOMPSON: What's the purpose of that and what does red light indicate to you as an officer?

ISHIDA: Sure. For us, red light lets everyone know that it's a beanbag, it's a less lethal round that is about to be fired because God forbid, he just shoots the ERIW, we hear a pop and we assume someone has fired at us. And then you have sympathy fire. So, the red light was to let everyone know, hey, it's a beanbag, just stand down for a second here. And then the rest, you know, show me your hands. It's a command with a consequence.

THOMPSON: And what is sympathy fire?

ISHIDA: When you hear a gunshot, and so you assume that- I mean you hate to see it but people just assume there is a threat so they just fire.

STONECIPHER: Okay. Now other than Officer Santana giving the verbal red-light warnings that he was going to shoot the ERIW, did any other officers give any warnings to Mr. Delgado that they were going to hit him with the ERIW?

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ISHIDA: No.

STONECIPHER: And how many rounds did Officer Santana fire at Mr. Duarte with the ERIW?

ISHIDA: Just the one.

STONECIPHER: And how did Mr. Duarte respond after being shot with the ERIW?

ISHIDA: I saw him flinch.

STONECIPHER: Did he communicate verbally with you after being shot with the ERIW?

ISHIDA: Again, beyond the, man, fuck you, no.

STONECIPHER: Um hmm. Did he change positions after being shot with the ERIW?

ISHIDA: No. He stayed on his right side.

THOMPSON: Did you see what his hand did, his left hand at that point, if you can recall?

ISHIDA: No. I just- like I said, I remember him flinching and he looked angry. And then I- I can't remember which hand it was. It was kind of just like, like you know like as one would do after being shot with a beanbag, you know, ouch. I don't know what specifically he did with his left hand.

THOMPSON: And when did he say, man, fuck you?

ISHIDA: He got hit with the ERIW. And like I said, it felt like forever- it felt like 30-seconds to me, but um, he kinda seemed just kinda like sitting there mad and just kinda like contemplating something and muttered- like mouthing words to himself. Then, man, fuck you.

THOMPSON: What was the tone when he said that? Man, fuck you?

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ISHIDA: I heard, man, fuck you. And then he started shooting.

THOMPSON: So, an inflection in-

ISHIDA: Yes.

THOMPSON: Loud enough for you to hear.

ISHIDA: Yes.

THOMPSON: And you're- at this point, two car lengths away from him?

ISHIDA: Yes.

THOMPSON: Okay.

STONECIPHER: Okay. So, again, just to clarify. After being shot by the ERIW, what does Mr. Duarte do?

ISHIDA: Like I said, he mouthed words- he flinches, mouths words to himself and then says, fuck you, comes up shooting.

STONECIPHER: Oaky. And do you recall which officer was closer to Mr. Duarte at this point that you can remember that was the scene?

ISHIDA: I imagine the primary felony stop vehicle which would be Officer Cassinelli and Officer Tupper.

STONECIPHER: Um hmm. And did you move at all prior to Mr. Duarte being shot with the ERIW?

ISHIDA: No.

STONECIPHER: Did you move after Mr. Duarte was shot by the ERIW?

ISHIDA: No.

STONECIPHER: Did you watch Mr. Duarte prior to and after he was shot with the ERIW?

ISHIDA: Yes.

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STONECIPHER: And I know you talked about it earlier but what- did Mr. Duarte have anything in his hand?

ISHIDA: Yes. When he came up and said, man, fuck you, I saw an object with a flash.

STONECIPHER: Okay. And what was that object?

ISHIDA: I mean hindsight being what it is, I know now it was a gun. At the time, if you asked- if you had clicked pause and said, is that a gun or not, I couldn't tell you.

STONECIPHER: Okay. And can you describe his movements before the shots were fired?

ISHIDA: He was on his side, on his right side propped up in the trunk. Like I said, he'd just been hit with the ERIW so he's got his angry look on his face. Um, he's winching. Um, and then, man, fuck you and then he- the left hand comes up and you just kinda see him turn up and out of the trunk in an explosive movement.

STONECIPHER: Okay. And again, just to clarify. Before you arrived on-scene, were you aware that Mr. Duarte had a firearm?

ISHIDA: I had been advised by the unit that was affecting- that initially effected the felony stop that there'd been a robbery involving a firearm.

STONECIPHER: Okay. So, Officer Ishida, what did you see and perceive prior to firing your weapon?

ISHIDA: I'm not entirely sure what you mean by that.

STONECIPHER: So, before you discharged your firearm, what was- what happened right before- what caused you to-

ISHIDA: I understand. Ah, the suspect, like I said, made

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an explosive movement out of the trunk. I saw a muzzle flash. And I heard two gunshots.

THOMPSON: Now right there- stopping right there, from the time ERIW was fired to the time that you saw that flash-

ISHIDA: Um hmm.

THOMPSON: How much time do you think had passed?

ISHIDA: Like I said, I thought it was like 30- at the time, it felt like 30-seconds to a minute.

THOMPSON: Um hmm.

ISHIDA: Um, maybe 15 seconds.

THOMPSON: Okay.

STONECIPHER: Okay. In regards to firearm, are you aware of the term double-action mode is?

ISHIDA: Yes.

STONECIPHER: Okay. So, was your handgun in double-action mode?

ISHIDA: Yes.

STONECIPHER: Okay. Was your firearm- was your handgun in the cocked position?

ISHIDA: No.

THOMPSON: What is double-action?

ISHIDA: Ah, when you pull to press the trigger it ah, you have to bring- and it'll being the hammer back as well. Is that makes sense. It's more pressure on the trigger.

THOMPSON: And so, you have to put it in that mode?

ISHIDA: [Unintelligible] keep it in double-action.

STONECIPHER: And who fired their handguns during the incident that you can recall?

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ISHIDA: All I can recall for a hundred percent certainty is myself and Officer Nagai.

STONECIPHER: Did you see Officer Nagai shoot his firearm?

ISHIDA: Yes.

STONECIPHER: Okay. And again, when you were shooting, was your view ever impeded?

ISHIDA: No.

STONECIPHER: Did you hear gunfire prior to seeing fire?

ISHIDA: So, you're saying before-

STONECIPHER: Did you hear the sound before the flash is what I'm asking.

ISHIDA: Oh, they happened at the same time.

STONECIPHER: Okay.

ISHIDA: Yeah.

STONECIPHER: And again, what did you do when you heard the gunfire?

ISHIDA: I thought he was trying to shoot me so I feared for my safety and fired back.

STONECIPHER: Okay. When did you stop firing your weapon?

ISHIDA: So, as I was firing my weapon, um, my gun empties and simultaneous to that, he falls back into the trunk and the lid comes down so I used that opportunity while reloading to access and then we came to the conclusion that we didn't know the threat was actually over yet.

STONECIPHER: And were you ordered by anyone to stop firing?

ISHIDA: No.

STONECIPHER: Again, just to clarify. What were you aiming

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at when you discharged your firearm?

ISHIDA: The suspect.

STONECIPHER: Did you move while firing your weapon?

ISHIDA: I think I took a couple steps back.

STONECIPHER: Do you know how many rounds you fired?

ISHIDA: Thirteen.

STONECIPHER: And close were you to Mr. Duarte when you opened fire if you had to approximate?

ISHIDA: Again, the- the two rooms we've discussed previously.

STONECIPHER: All right. And how would you describe your sequence of fire? Was it in pairs? Was it in bursts? Was it in fast- rapid succession? How would you describe it?

ISHIDA: Rapid succession.

STONECIPHER: Did you use a spare weapon at any point during this incident?

ISHIDA? No.

STONECIPHER: Did you see any other officers that were moving while they fired their handgun at Mr. Duarte?

ISHIDA: No.

STONECIPHER: Were there any pedestrians nearby when gunshots were fired?

ISHIDA: Not to my recollection.

STONECIPHER: And when you discharged your firearm, who was next to you?

ISHIDA: Officer Nagai.

STONECIPHER: Okay. So, you stopped firing. What do you do next? What happens next?

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ISHIDA: Stopped firing. I'm accessing as I reload. Like I said, I see that he's fallen into the trunk and the lid is semi-closed. Not sure if any of these shots had effect, like he just assumed a lower position of over and he's just waiting for us to make the approach again. I tell Officer Nagai, I realize we're in-between two patrol vehicles and there's no cover or concealment and I say, hey, let's get behind the parked cars. Then the plan is made to approach the car with the ballistic shields to determine if in fact he's waiting to ambush us or if we're able to safety take him into custody at that point. We execute this plan. I assist in rendering medical aid. That was it.

STONECIPHER: When you say assist in rendering medical aid, what did that look like?

ISHIDA: Um, I know one officer was doing compressions. He obviously had a lot of gunshot wounds so I assisted in placing chest seals on his chest wounds.

THOMPSON: Do you know how much time has passed from this time since you arrived to when you're rendering medical aid to Mr. Duarte?

ISHIDA: No, I understand.

THOMPSON: Um hmm.

ISHIDA: Maybe 15.

THOMPSON: And what's going through your mind at this time?

ISHIDA: I mean you got that adrenaline going but I was like-I know that the- I'm relieved in that the threat is done. If that makes sense. Like we're not gonna get shot. And then my- then it was a concern of maybe we can save him. If that

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makes sense.

STONECIPHER: Now from when you arrived on-scene to when you discharged your firearm, how- how much time had passed when you arrived on-scene to when you shot your gun if you had to approximate?

ISHIDA: Ten maybe. It felt like ten.

STONECIPHER: And you touched on it a little bit earlier. But can you again describe Mr. Duarte's body after the shooting? His position. I'm sorry.

ISHIDA: So, immediately after the shooting, I don't know what his body position is because as I said, he's kind of in the trunk now with the lid semi-closed.

STONECIPHER: Was a 408 requested?

ISHIDA: Yes.

STONECIPHER: Do you know who requested?

ISHIDA: I don't.

THOMPSON: What is a 408?

ISHIDA: Oh, it's an ambulance.

STONECIPHER: Did you speak to anyone else after the shooting on-scene?

ISHIDA: I mean, yes.

STONECIPHER: Okay. Who did you speak to?

ISHIDA: Lieutenant Banta.

STONECIPHER: What did Lieutenant Banta say?

ISHIDA: It's now an officer-involved shooting. Don't discuss this with anyone.

STONECIPHER: And once Lieutenant Banta arrived on-scene, what happened to you? Where did you go [unintelligible] that

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whole process?

ISHIDA: I was sequestered inside Mission Station. And so, ah, I was told to go talk to my attorney.

STONECIPHER: Okay. Do you remember who took you to Mission Station?

ISHIDA: I want to say Officer Rose. I'm not a hundred percent on that.

THOMPSON: You said Rose?

ISHIDA: Yes. Common spelling.

THOMPSON: Was it just you in the car with Officer Rose?

ISHIDA: No. I was like- I remember like- because the majority of the patrol cars now are part of the crime scene so rides were hard to come by. It was pretty crowded. I don't know who else was in the car.

THOMPSON: Did you talk with anybody in the car about what just happened?

ISHIDA: No.

THOMPSON: No.

STONECIPHER: Okay. So, they take you to Mission Station. Where did they place you in Mission Station?

ISHIDA: I think in the bowels. I didn't even know this room existed. It's like on the juvenile side.

THOMPSON: Is it first or second floor?

ISHIDA: It was the first floor.

THOMPSON: First floor.

ISHIDA: Yeah.

STONECIPHER: Was there anyone else in there with you?

ISHIDA: Officer Rose.

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STONECIPHER: Okay.

THOMPSON: What was Officer Rose's role with you?

ISHIDA: I mean just keep an eye and make sure I was okay kinda thing. That's about it.

THOMPSON: And how are you feeling when you're at Mission Station at this time?

ISHIDA: I mean- okay, I don't know how to say- like scared. I mean 'cause I've never done, you know, I've never been through this before. You know. And it's a pretty traumatic experience. That's the best way I can describe it.

STONECIPHER: And did you provide a public safety statement?

ISHIDA: I did.

STONECIPHER: Do you remember to who you provided that statement?

ISHIDA: I believe it was Sergeant Shugars.

STONECIPHER: Okay. And when and where did that happen?

ISHIDA: Mission Station.

STONECIPHER: Okay.

THOMPSON: And how long were you in this room until you talked to your attorney?

ISHIDA: I mean it felt like- I- I'm sorry. I keep saying this. But it felt like hours. I-I couldn't tell you. I don't know. I didn't really check the time. You know, I literally just sat in this room until I was told, all right, come on up and talk to your attorney.

STONECIPHER: Okay. And what happened to your weapon?

ISHIDA: Ah-

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STONECIPHER: Your firearm.

ISHIDA: Sure. Ah, CSI technicians took it.

STONECIPHER: And what happened to your magazines?

ISHIDA: Ah, they took those as well.

STONECIPHER: In regarding how many bullets you fired-

ISHIDA: Um hmm.

STONECIPHER: When did you find out how many bullets you fired? Did you just know yourself or did someone else tell you?

ISHIDA: I knew.

STONECIPHER: Okay.

THOMPSON: And how many was that again?

ISHIDA: Thirteen.

THOMPSON: Thirteen. The whole ah-

ISHIDA: Magazine. With one in the chamber.

THOMPSON: Magazine. With one in the chamber.

ISHIDA: Yes.

STONECIPHER: Were you given a replacement firearm?

ISHIDA: Yes.

STONECIPHER: Okay. Okay and when you got to Mission Station, were you still in possession of your Body Worn Camera?

ISHIDA: Yes.

STONECIPHER: Okay. Do you remember who took your Body Worn Camera?

ISHIDA: I don't.

STONECIPHER: Okay.

THOMPSON: Do you know when you turned it off?

ISHIDA: I was in Mission Station.

THOMPSON: Mission Station.

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ISHIDA: Yeah.

STONECIPHER: You remember who told you to turn it off?

ISHIDA: No.

STONECIPHER: Were you injured as a result of this incident?

ISHIDA: No.

STONECIPHER: And after the incident happened, did you experience any perceptual distortions like loss of sight, sound, time? Anything like that?

ISHIDA: Besides the warped time- sense of time, no.

STONECIPHER: Um hmm. Do you remember what time you went home?

ISHIDA: Three, four in the morning.

STONECIPHER: Okay. And when did you first provide a statement regarding this incident?

ISHIDA: It would have been when I met with my- if we're not including the public safety statement, it would have been when I met with my attorney.

THOMPSON: Do you know when that was or what time it was?

ISHIDA: Again, sorry. I was in that room-

THOMPSON: No, you don't have to be.

ISHIDA: And then someone came and got me.

STONECIPHER: Now after this incident, when did you first review your Body Worn Camera footage?

ISHIDA: It would have been when I was at the Homicide interview.

THOMPSON: And when was that?

ISHIDA: I- maybe two days after the incident.

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STONECIPHER: And other than Tony, ah, did you speak to anyone else about this incident after it happened?

ISHIDA: If we're not including obviously the Homicide investigators and IA- no.

STONECIPHER: And so, you remember when you spoke with Tony like after the shooting? How soon?

ISHIDA: That goes back to the whole- like I was just in that room. They came and got me. I'm sorry.

STONECIPHER: That's all right.

THOMPSON: How did you feel when you went home?

ISHIDA: Drained.

THOMPSON: Drained?

ISHIDA: Yeah.

STONECIPHER: Did you prepare a brief written statement about this incident at any point?

ISHIDA: Ah, prior to talking to Homicide, yes.

STONECIPHER: Okay. And what elements were covered in that statement, the written statement?

ISHIDA: Ah, why I responded to 21st and Capp. What I responded to at 21st and Capp. Um, what happened at 21st and Capp and why I responded in the way I did.

STONECIPHER: Okay. And were you listening to your radio during this entire incident?

ISHIDA: Yes, it was on.

STONECIPHER: Okay. And did you hear any supervisors come over the radio and give instructions at any point during the incident?

ISHIDA: Yes. Afterwards.

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STONECIPHER: Okay. But not during.

ISHIDA: No.

STONECIPHER: Tinnetta, do you have anything else?

THOMPSON: Yeah. How do you feel today about the incident or your feelings about it?

ISHIDA: I mean in hindsight, well, obviously 20/20, there's always something you could have done differently. Um, I try not to go back and I mean, rehash- you know, it is unfortunate but it happened, you know. So.

THOMPSON: Um hmm.

STONECIPHER: Okay. Tony, is there anything you want to add?

BRASS: No.

STONECIPHER: Okay.

THOMPSON: One more question. Did you talk to anybody when you got home about the incident?

ISHIDA: No. All I said was that there was an incident. I'm fine. That's it.

THOMPSON: Okay.

STONECIPHER: Officer Ishida, is there any other statement relevant to this incident you wish to make at this time?

ISHIDA: No.

STONECIPHER: Are there any witnesses or other evidence relevant to this case you intend to submit on your behalf?

ISHIDA: No.

STONECIPHER: You may submit material to DPA, IAD and the Chief of Police before an initial decision is made about whether or not to sustain any of the allegations in this case and what

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discipline to impose, if any. DPA requests that you submit any further material within two weeks of this interview if possible. Is there anything else you'd like the Chief to consider in that regard?

ISHIDA: No.

STONECIPHER: This interview is concluded. The official time is 4:38 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: [redacted]

DATE OF INTERVIEW: 03/21/2018

INV. CANDACE CARPENTER: Today is March 21, 2018. This interview is regarding DPA case number 0097-18 and is taking place over the telephone. The time now is 2:13 p.m. Um, and Miss [redacted], can you please state and spell your name for the record?

[redacted]: Yes. It's [redacted]

INV. CARPENTER: And do I have permission to record this interview?

[redacted]: Yes.

INV. CARPENTER: Okay. And this is Investigator Carpenter and I work for the Department Police Accountability. Um-

[redacted]: Do you work for the City?

INV. CARPENTER: Yes ma'am.

[redacted]: Okay.

INV. CARPENTER: San Francisco-

[redacted]: Working for the city of San Francisco?

INV. CARPENTER: Yeah. San Francisco Department of Police Accountability.

[redacted]: Um hmm, okay.

INV. CARPENTER: And then -and do you know why um, I'm

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interviewing you?

[redacted]: Yes. About the incident that was in front of my house like two weeks ago almost.

INV. CARPENTER: Okay. Um, and where do you live ma'am?

[redacted]: In [redacted].

INV. CARPENTER: Okay. Um, and can you kinda tell me just from beginning to end, um, where and what was happening prior to, during and after um, the incident?

[redacted]: Um, I – I can tell you what happened.

INV. CARPENTER: Okay.

[redacted]: Ah, from like what I seen. So basically, I was ah, sleeping in the living room, um, in the couch. It's like right by the window that's overlooking the street. Like there is the parking garage. This was kind of beside of where- in front of our house that was kind of- the side of where this happened. So this is like right in front of my house. Um, and then um, so I was sleeping and my husband woke me up because he heard ah, he like saw the lights in the window and like heard like shouts. Um, and so when he woke me up, it was already – and like I looked out of the window, saw two cars that was kind of parked diagonally. And the trunk was like slightly open and you could see there was a person there like whose legs were out and like he has one hand out but you kind of couldn't see the rest of him. Um, and the police was talking to him and like asking ah, for him like to show his hands and like I – I only heard like- when I woke up like it just switched like from English to Spanish I think, um, so they were asking him in Spanish, um, and this went on for like a couple of minutes. Um,

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and they were kind of like- so this car was kind of surrounded by like a lot of other cars so I was like, oh, it's serious. Like it looks like, I don't know, something serious is happening. Um, and then like after like a couple of minutes, then there were like shots and like a lot. And then I was kind of like thinking- well, it just happened very quickly so I probably shouldn't have looked out the window at this time. But I did. Um, and then afterwards like they were – they continued to talk and I think [redacted] woke up from the shots. Like I went to see like that she's okay and when I came back, ah, there was ah, was a woman there that the police took and she was crying and they approached the trunk carefully and then they took the guy out and did like CPR for a long time. Um, but it looked like, you know, he was dead. And then ah, think my daughter cried again so like I went and I didn't see so well. Um, and then afterwards they just- they were gathering but – yeah, I went to – I was talking to my husband so I think this is kind of like what I remember. Like – and then like I just saw like they stayed there. Like I went to sleep sometime- oh, I went out one time like to talk to [redacted] maybe after -sometime after the shots. And then he told me that he saw everything from the beginning. Um, he told me what he saw and – and I just went to sleep and when I woke up like everything was still there so like they closed the entire block and um, they didn't let anyone like get in. It was eleven p.m. or so.

INV. CARPENTER: And did you see how many patrol vehicles were there?

[redacted]: I don't remember. Maybe like, ah, I think – I

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have a picture actually that I – I took of after like when I wanted – like my friend in Israel to show her what craziness went on at my house so maybe it shows like the police cars that stayed there at like the crime scene. Ah, I can, ah, I can email it to you.

INV. CARPENTER: Okay. That would be great. Um, and so you stated that um, your husband woke you up?

[redacted]: Yes.

INV. CARPENTER: Okay. And you stated that he saw the lights and he heard -?

[redacted]: Yeah. He saw the lights of the police cars.

INV. CARPENTER: Okay. And where was he?

[redacted]: Um, well he – he was with me but then like I think he was just ah, doing other stuff like around the house so I was just looking out the window but he -he wasn't there. And then like he went with me to check on our daughter and he stayed with her a bit more. So he- he – he didn't see it as much as like I was by the window most of the time but he wasn't.

INV. CARPENTER: And you stated was it right in front of your home?

[redacted]: Almost right in front of our house.

INV. CARPENTER: Okay.

[redacted]: Yeah. Like the police was like very much in front of it but like the guy- like at the car with the trunk- oh, and I also saw the police carrying like a small dog I think. I don't know. I think it was from the car like after the shooting. Um, I think it was like a small dog or something. Um, so yeah, like the car was ah, parked kind of like – like if

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there's the parking garage in front of our house and to the south of it, there's like a taller building so the vehicle of ah, the guy that was like at the trunk, so they were, um, like it was right there. Like at the corner they were – the Police Department lot. Make sense? Like that's on this side of the road.

INV. CARPENTER: And um, was anything obstructing your view um, of the – the vehicle?

[redacted]: Um, no.

INV. CARPENTER: The subject vehicle. And um, you said that you saw the – you saw someone in the trunk.

[redacted]: Yes.

INV. CARPENTER: Um, and can you kinda describe that for me again?

[redacted]: So it was like the trunk was slightly open. It was very weird. And you could see there was a person there and his legs were out, like he was about to go out but not really. Like – like – like just two legs like out and like one hand out but not um, and I think it was his right hand, um, but you couldn't really see like his torso or anything. Like it was kind of- like the trunk wasn't fully open. And then ah, so like it's just kind of what you could see. I didn't- his face wasn't visible. Like his other hand wasn't visible. And his torso wasn't visible so much so it's kind of more like you could see the two legs and one hand.

INV. CARPENTER: And um, were the ah, the lights on the um, police vehicles able to light up that area?

[redacted]: I think um-

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INV. CARPENTER: Was it pretty bright?

[redacted]: I think it was visible.

INV. CARPENTER: And did you see the officers, um, did you see the driver of the vehicle, um, leave the vehicle?

[redacted]: No. I think I woke up afterwards. I think - because our, like the neighbor [redacted] told us that he saw like the driver um, like he's leaving the car and like walking backwards but I don't remember. Like I didn't see that so I think when I woke up it was after this happened.

INV. CARPENTER: And did you see officers, um, outside of their vehicles, um, and ah, like surrounding the vehicle or-?

[redacted]: Yeah.

INV. CARPENTER: So can you kind of describe that? How far away were they from actual um, concealment or their vehicles?

[redacted]: It was- it was pretty close to their - like they were kind of more like part of a circle I guess, to this vehicle with the trunk, the guy in the trunk so he was parked very close to the um, ah, the west side of the street. And then the police were north of it and forming like, kind of closing the street in kind of like part of a circle. Um, they were-

INV. CARPENTER: Like a semi-circle?

[redacted]: Kind of semi-circle, yeah. Um, and they were maybe nine I think feet away from the car. Like not very far.

INV. CARPENTER: And you recall how many officers, ah, were there?

[redacted]: It seemed like a lot. I think when they gathered um, because I saw them like gathering afterwards, after like the CPR and everything. It looked like maybe twenty to thirty -it

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looked like it was a big group.

INV. CARPENTER: And do you recall how many officers surrounded um, the individual that was in the trunk?

[redacted]: Um-

INV. CARPENTER: Ah, once the shots- after the shots were fired?

[redacted]: How many- I know that two-

INV. CARPENTER: How many are-

[redacted]: I know that two- two – two guys approached it I think or two or three. I remember two guys specifically doing the CPR. There were two guys doing the CPR together.

INV. CARPENTER: Um, did you hear ah, not a gunshot but did you hear the first shot, the beanbag shot?

[redacted]: I think – I mean you know, it's like- it happened very fast and like I was talking with the neighbor after and he was telling me that he heard- he saw like the other guy shoot first- the guy in the trunk shoot first at the police. And I think like it kind of sounded to me like there were like one like you know, one, two shots and then like a lot of shots. But it's kind of hard to- it happened very fast.

INV. CARPENTER: Um, did you hear um, did you hear the loudspeaker? Did you hear the officers on the loudspeaker?

[redacted]: Yes. Yes. Yes. It was very loud.

INV. CARPENTER: Okay, um, did you hear any of the English instructions on the loudspeaker?

WILLMAN: I – I think, just like I told you, just lots of it. Like I think I only heard them like once asking him to show his hands.

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INV. CARPENTER: And do you speak Spanish?

[redacted]: No.

INV. CARPENTER: Okay.

[redacted]: Like I didn't know what the Spanish part meant. I saw they're just like trying to talk to him or something but it went on for a long time.

INV. CARPENTER: Um, and do you recall seeing um, individuals, like passersby from the street or on the sidewalks?

[redacted]: Ah, not in the immediate like vicinity. So I don't know if like they were like more outside of like the area. Like -but I just looked mostly like where the police was in the car and I- that area I didn't see any other people on the street.

INV. CARPENTER: Um, did you know any of the parties involved in the incident?

[redacted]: No.

INV. CARPENTER: Okay. And um, had- did you recognize any of the officers um, that were at the scene?

[redacted]: No. No.

INV. CARPENTER: And has SFPD contacted you?

[redacted]: No.

INV. CARPENTER: The Police Department hasn't contacted you?

[redacted]: No.

INV. CARPENTER: And has any other agency investigating the shooting contacted you besides our agency?

[redacted]: No. Just you. I think you knocked on our door in the morning and I remember giving you my phone number.

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INV. CARPENTER: Okay. Is there anything else um, that you can remember about this incident?

[redacted]: Ah, that's pretty much it. Like I mean I saw other accounts of like, you know, in the video later but that's like a distance because, you know, you see things afterwards but not, like nothing specifically comes to mind other than what I said.

INV. CARPENTER: Did you hear any inaccuracies um, when you were watching the news that was- from the things that were different from what you actually saw?

[redacted]: Um, well I didn't see a lot of news. I just like, I talked to my neighbor and then he told me that he saw like specifically the guy shoot first and then um, my -[redacted] wife sent this article -this one article and then you see like the another neighbor saw the video and he also saw like the guy shooting first at the police which I guess explains why there were so many shots. Um, but that ah, yeah, that's what -this is the only thing I saw. Like I don't really have cable so you know.

INV. CARPENTER: Now did you um, see the individual in the car shoot?

[redacted]: If I saw him like specifically?

INV. CARPENTER: Yeah, did you see him shoot, fire his weapon?

[redacted]: I think, like I think I like remember kind of like these two shots and then a lot of shots because this is kind of what it sounds like but, like I said, it happened very quickly so I can't see like I- like when you- when I see the

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video, I was like, oh, yes, this is kind of what I- I heard. But it's just, I was like kind of – it's like the first time I saw -like I'm from a country where nobody has guns. Like I'm originally from [redacted] I guess I was kind of shocked that like I see this situation with my own eyes in front of me in my life.

INV. CARPENTER: Now did you see any flashes?

[redacted]: The flashes- oh-

INV. CARPENTER: Yeah were you still- were you still at the window when the um, when the gunshots -when you heard the gunshots?

[redacted]: Yes. Yes. I saw the gunshots.

INV. CARPENTER: Okay. Um, and did you see flashes or what did you see with the gunshots?

[redacted]: Ah, it's like, yeah like kind of small flashes I guess. And you hear it obviously. It's like, yeah, it's like - yes, like small flashes I guess. A lot.

INV. CARPENTER: And did you see the reaction of the officers when they were firing the weapons?

[redacted]: I think-

INV. CARPENTER: Or were they moving forward? Were they moving back? Um-

[redacted]: I don't remember. I think, like I mainly saw looked at like the area of where the trunk is and then like it- it kind of looked like it was like the trunk closed a little bit.

INV. CARPENTER: Okay. So after ah, the gunshots, you, um the – the trunk closed?

[redacted]: A little bit.

INV. CARPENTER: Okay. And did you see the individual in

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the trunk move or was there movement in the trunk after the gunshots were fired?

[redacted]: After the gunshots, no.

INV. CARPENTER: Okay.

[redacted]: Before there was like a little bit but afterwards, yeah. I think it was pretty obvious that he wasn't alive.

INV. CARPENTER: Okay. Um, did the officers have to pull him out of the trunk to um, do the CPR or did they do the CPR while he was still in the trunk?

[redacted]: They pulled him out and then they did the CPR.

INV. CARPENTER: And was there an ambulance at the scene?

[redacted]: When – what? Sorry?

INV. CARPENTER: Was there an ambulance at the scene? Were there paramedics that came in?

[redacted]: I think – I think after- like I think I wasn't there for this part. I think my neighbor said that he saw but I don't remember.

INV. CARPENTER: And is there anything else that you can recall ma'am?

[redacted]: Ah, no, that's just it.

INV. CARPENTER: Okay. The time now is 2:31 p.m. And the interview is concluded.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: [redacted]

DATE OF INTERVIEW: 03/22/2018

INV. CANDACE CARPENTER: Okay. Ah, today is March 22, 2018. This interview is regarding DPA case number 0097-18. It is taking place at [redacted] and the time now is 5:50 p.m. And sir, please ah, state and spell your name for the record.

[redacted]: Ah, my name is [redacted]. [redacted]

INV. CARPENTER: Okay. And do I have permission to record this interview?

[redacted]: Yes.

INV. CARPENTER: Okay. And for the record, this - my name is Investigator Candace Carpenter. Also present is:

INVESTIGATOR MATT STONECIPHER: Investigator Matt Stonecipher.

INV. CARPENTER: And we work for the Department of Police Accountability. Um, do you know why we are interviewing you this evening?

[redacted]: Yeah.

INV. CARPENTER: And can you tell me the reason?

[redacted]: Um, because of the shooting that was here maybe what? A week and a half ago or so. Um, and you want to hear probably my perspective of what I saw.

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INV. CARPENTER: Yes. That's accurate. Um, and can you tell me what happened and what you saw and what draw your- drew your attention?

[redacted]: Yeah. Um, my-my neighbors- I don't remember the specific time just somewhere in the evening, around maybe 10:30 p.m. or so, um, I saw the shouting. Ah, I was sitting actually here. And suddenly he's shouting. It happens in this street, well, every now and then there's the shouting so I kind of took a look and then it was ah, kind of more unusual. Ah, at that point, there was um, a car – let's call it ah, suspect or whatever. Not the police cars- kind of standing and then maybe two to three ah, police cars, ah, next to it. Um, I can show you afterwards like specifically if you need this information. And then a few police officers pointing the gun toward that car. And there was obviously some things ongoing. Like I can go into details of -later. Ah, and I can go like- what kind of level did you want me to go in these questions?

INV. CARPENTER: Yes, please, in all detail. In all detail.

[redacted]: All right. So you just want me to kind of-

INV. CARPENTER: Yes.

[redacted]: Just go through and then- I see.

INV. CARPENTER: Yeah.

[redacted]: Okay. So I um, looked at it. It was obviously more serious than usual. Um, and what I could tell it was yelling at them ah, toward the car, asking and what I remember, there was um, the – the – the trunk was open. There was a body there, a person. Like I didn't know at that point if he was

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alive or dead like. And like I didn't have any context and then ah, the front- the driver's um, door was open as well at that point and they were yelling at them more or less, to kind of come out. And they were talking at that point to the driver. Once the guy [unintelligible] there were more and more police officers coming. At some point there was like fifteen or so. I don't even know. And they were yelling at the driver, ah, to come out. Um, he did come out with his hands um, up, um, and then so when he walked backwards, um, and then at some point he reached the first, one of the police cars and then two police officers kind of, you know, grabbed his hands. Um, I think ah, put some handcuffs on him and then kind of -one of them took him, ah, I think one of the cars. It was just- just – just below my window so it- I said, okay. I was just standing here. I was like hiding myself. I didn't even know, like maybe instinctively. Um, and then – so he was standing there and then they continued kind of shouting for the car and then I kind of I think realized that that person in the trunk, he's also someone they're trying to figure out what's going with him. Um, I, you know, maybe it's because I'm English second language, I couldn't always understand exactly what they were yelling but I could understand usually the intent and ah, or enough words and saying what's going on. So they were asking to show his second hand. At least that's what I realize. And at that point, that person in the trunk had I think early on like maybe one feet out and one hand out. I couldn't see his face. Like it was kind of – so maybe half of his body. Um, and then they're shouting him to do that. He, at some point, move his other feet outside so both

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of these feet but his hand was – at least from my point of view- was -I can never see his second hand but that was kind of inside the trunk. Um, so they were shouting to there then every now and then he might have made some move that looks like suspicious or dangerous so they would kind of raise their voice kind of thing and like, you know, to- I don't- backward -whatever move he was doing. And that was kind of ongoing for maybe a few minutes. Um, and they – they brought a person to actually speak Spanish so someone in that, ah, was a megaphone that kind of replaced the previous English ah, um, exchange of words. But nothing seemed to change at that point. Like there was tons of police officers, everybody's pointing at that place. That person still, for some reason, didn't show his second hand. I was mostly wondering at that point why isn't he showing his second hand. I was actually afraid that he's maybe unable to move it and that's probably pretty stressful for him but I had no idea. That was just my speculation at this point. Ah, and then like actually at the time, unfortunately, I had my camera on trying to record it but I forgot to press the record button. That could have simplified a lot of our lives I think because I just had a good view of everything. Um, and then at a certain point, while I was looking and the shooting started. At that point I- it happened fast enough. I couldn't see who started the shooting. Um, but there was enough like, you know, within a ten, fifteen seconds, quite a lot of shots. After that, um, that person I think hand or body kind of became more lose I would say. Um, and then they -only then I realized there was someone in the backseat. Um, um, only then I realized the

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backseat 'cause they were still yelling in there and then I noticed the two hands kind of raised like ah, in the backseat and they were yelling at that person to get out. Um, that person did show his two hands and did get out. That was this other woman that was there. That went more smoothly. She – she went out but I don't remember the specific details but they ah, were able to um, take um, to take- to take her. And then they came over -I think the few police officers, ah, few police officers kind of opened the trunk, um, and then they took the body out, um, and they left for maybe few seconds or ten, twenty, thirty seconds I think on the ground. Maybe- I don't remember exact time and then one or two of them tried to give him, um, kind of, um, CPR I guess. Um, that ended up pretty fast. I only saw them do CPR. They realized that he's probably dead at that point. Then another kind of more of, um, person like maybe a paramedic or something came as well. Um, and at that point, they kind of left the body there. Um, and outside of that I can say those maybe during that time, maybe um, some people walking on the street, maybe a couple – like one or two people, they were yelling. They probably told them not to get close. That happened somewhat within that process but I don't know exactly when. That's approximately what I remember. I couldn't see a gun, not only the shooting, like I kind of remember maybe I saw some gun, ah, when he was- just as the shooting started from – from the person in the trunk but I'm not hundred percent sure. That could just have been like ah, just my imagination.

INV. CARPENTER: Did you see like a flash?

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[redacted]: I did not see a flash. Like um, but it might have been I, you know, that's when I mentioned two, three minutes of that thing going on. I didn't constantly look in that area so when the shooting started, I might- it's possible that I didn't immediately look at that point so I haven't seen specific flash coming from the person in the trunk.

INV. CARPENTER: So you heard the gunshots before you saw -

[redacted]: I- I think so. If I'm not- suddenly heard -like maybe I was looking down my phone, maybe I was kind of just walking, you know, I have two windows- maybe like just walked be- not directly looking at the - looking somewhere else. Maybe my watch. Anything. Then the shooting started then I immediately looked at it so I captured I guess most of the shooting but I think the first shot, I don't remember cause it didn't register. Maybe it was too fast. I don't remember exactly what happened at that point, like who shot first for example.

INV. CARPENTER: Okay. Um, do you recall um, so you stated at the end there was someone in the backseat of the vehicle?

[redacted]: Yeah.

INV. CARPENTER: Um, at any time, did you hear officers instruct anyone else in the vehicle to get out of the vehicle?

[redacted]: Um, I didn't notice that. It's possible that maybe among the things that they said, maybe some of those were actually directed to that other person. Um, but I'm not sure.

INV. CARPENTER: Okay. Um, was most of the orders for the individual in the trunk?

[redacted]: I- I'm pretty positive about that.

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INV. CARPENTER: Um, were there um, do you recall where the officers were situated?

[redacted]: Um-

INV. CARPENTER: Like after-

[redacted]: Yeah.

INV. CARPENTER: After the um, individual in the vehicle, um, was pulled out of the trunk, is that when they pulled the other passenger out of the backseat?

[redacted]: The -the – the third passenger you mean?

INV. CARPENTER: Yes.

[redacted]: That was after the shooting, if that's your question.

INV. CARPENTER: Okay. Yes.

[redacted]: Yeah. And that was – they took that person out before they took the body out of the trunk.

INV. CARPENTER: Okay.

[redacted]: So the body was in the trunk. Then they tried to clear out the car I would say so they took that other person out, um, and then they came for the trunk.

INV. CARPENTER: Um, so when they approached the vehicle, did they approach it to um, to see if there was anyone inside the vehicle?

[redacted]: That's after- the third person you mean?

INV. CARPENTER: Yes. So the shots were fired. They assume that the individual in the trunk was um- the threat was stopped there.

[redacted]: Yeah.

INV. CARPENTER: And you say then they approached the

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vehicle?

[redacted]: No. At that point, they were still in the back yelling at that person that now I realize -at that point I realized there's a third person asking to get out. So at that point they didn't yet approach the car.

INV. CARPENTER: Oh, so someone was asking to get out of the vehicle?

[redacted]: Yes. Like the -the police officers were asking the person, that third person, to get out of the truck- ah, the trunk- or not the trunk- sorry- the- the backseat before they actually got close. Maybe there was some changing formation in this area but nothing that a person actually went to the car and looked for- they kind of wanted that person to get out I think. That's what I could see from here. To get out, um, show his hands, see that I guess he's unarmed, maybe take him and then they only – only then they kind of approached the car really.

INV. CARPENTER: Okay. Did you ever hear um, the passenger yell out that they wanted to get out or that they were in the vehicle?

[redacted]: Um, no. That third person, I did not hear- ah, I didn't even notice him until that point. So maybe it was because I was so focused on everything else that was going on that I didn't even notice it but until that point, I didn't even notice there was a third person. So maybe he was yelling something. Maybe he was- or might maybe he was even hiding but I – I can't even say, ah, 'cause I didn't even notice him before. So maybe the hands was there all- all along and I like I just didn't notice them.

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INV. CARPENTER: Do you recall which side of the vehicle the third person was speaking out of? Was it the passenger or the driver's side?

[redacted]: Ah, I actually kind of remember it was more kind of in the middle or right. Or either the – the – the -somewhere between the middle or the – the passenger side. Like not -it- I'm pretty positive it's not on the driver's side. I'm referring to the third person.

INV. CARPENTER: Okay. Were you able to get a good view of the individual in the trunk from your window?

[redacted]: I could see very well his- like I would say maybe half of his body. That hand that was out, the leg was out, the second leg that he took out I think afterwards if I remember and maybe ah, a third of his, I don't know, his torso and like a thigh or so. So that part of it was out of the trunk mostly and slightly inside but from the way – the way I – from the place that I was located and the way that- the trunk was not open all the way- it was kind of – I don't know, maybe forty percent, thirty percent open. So -and I was kind of from this second floor, it's hard to see like you- most of the – the – the area is kind of covered from my point of view. So I can only see what's mostly outside and slightly inside but not more than that.

INV. CARPENTER: Okay. And was- was the car well lit? Could you see-

[redacted]: The- the- yeah. Yeah. You mean the car with the- yeah.

INV. CARPENTER: Yeah, the subject's car?

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[redacted]: Yeah, yeah. Everything here was pretty lit. Like um, there wasn't any darkness, it wasn't dark out from my perspective at least.

INV. CARPENTER: Now were your shades open when you were looking out?

[redacted]: Yeah. Or not like the area that I was looking at didn't have- like I moved the shades. Yeah. This side was probably maybe had the shade still.

INV. CARPENTER: Um, did you -do you know what type of vehicle that was the subject vehicle?

[redacted]: Um, I'm not very good with cars so even if I remembered I would probably wouldn't –

INV. CARPENTER: Okay. Do you remember like the color?

[redacted]: Um, well it was not- I'm not hundred percent sure. I can like – I know it was not- I can give you maybe some color it was not but that won't help us. I don't remember specifically. Um, maybe it was gray, maybe yellowish or maybe ah, like off white. Like kinda- I don't remember it was anything that was remarkable if I remember but again, I don't remember that way.

INV. CARPENTER: Do you recall how many police cars were initially um-

[redacted]: Initially, I remember there was maybe two, maybe three. Afterwards, like towards the end of it, there was at least four or five, um, and maybe even more stuff from the back but I didn't like, um- and police officers early on there maybe was, I don't know, maybe four or five from what I could tell. And then it ended up being like I remember there was guy with a

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shotgun, and maybe ten or twelve at least police officers all lined so I guess if um-

INV. CARPENTER: Oh. We can introduce this-

[redacted]: Okay.

INV. CARPENTER: For the record, I have exhibit A, which is a photo of Capp Street.

[redacted]: Yeah.

INV. CARPENTER: And here's a pen. Can you circle um, your house on the picture?

[redacted]: Yeah. This one.

INV. CARPENTER: Okay. And then like can you initial it for us?

[redacted]: Um, my – okay.

INV. CARPENTER: Thank you. Do you recall where the vehicle was on this street?

[redacted]: I think it was somewhere, um, like-

INV. CARPENTER: And you can just put "car" so then we'll know where you have the car.

[redacted]: Like write car?

INV. CARPENTER: Yeah, you could just write car.

[redacted]: Oh, okay. Car.

INV. CARPENTER: Is that pen not working?

[redacted]: Yeah. Well, it's getting better. It's getting better. So it was probably somewhere here I would say.

INV. CARPENTER: Okay. Here we'll switch pens.

[redacted]: Thank you. So yeah, probably somewhere here. Maybe like here before because of the viewing angle here but maybe slightly more on that side.

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INV. CARPENTER: Okay.

[redacted]: Yeah.

INV. CARPENTER: And the police vehicles? Can you-

[redacted]: I think the two that I kind of remember the most were maybe like – I remember- hmm, I think maybe something like that and then maybe something like that. Maybe slightly more to this side. Like that, that would be the "police". Those are the two cars that I kind of remember early on around here.

INV. CARPENTER: Okay.

[redacted]: Um, maybe doors open here, um, as well, if I remember correctly. And then I think at some point another police car came here and maybe some over here. That's what I remember.

INV. CARPENTER: The ah, driver of the vehicle, do you recall which police car he was placed in?

[redacted]: Yeah. He, um- so let's see. He came up from- he walked I think here. So he went this way and I think over here as he was very close to that open door. There was two police- yeah, that's what I remember. Um, he was kind of walking and then two police officers were here as he was very close already 'cause ah, each one grabbed one of his hands.

INV. CARPENTER: Okay.

[redacted]: And then he walks backward.

INV. CARPENTER: Did you see him getting placed into the police vehicle?

[redacted]: Um, I think – like I saw him like surely grabbing him and then walking – at that point, there might have been another car over here or something. I don't know. Maybe they

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took him to this car. I saw him kind of – them grabbing him and taking him but I don't remember exactly to which car or exactly where. At that point I thought it was kind of- 'cause he was just in front of me and looked kind of as if he was looking at me so I preferred just to kind of move away at that point.

INV. CARPENTER: Oh, okay. Was he looking up?

[redacted]: Ah, probably not but like, you know, I -I didn't want to take the risk.

INV. CARPENTER: Cause he was on your side – was he on your side of the street?

[redacted]: Yeah, so he was just here so at that point I was kind of standing here and like I just didn't- I didn't know who it is so I preferred him not to know necessarily that I just watching entire thing.

INV. CARPENTER: Okay. Do you have anything Matt?

INV. STONECIPHER: Yeah, couple questions. Um, so how would you describe ah, the formation of the officers as they were yelling, as commands are being yelled out? How would you describe the formation? Were they standing I like a straight line? Was it like a semi-circle around the car?

[redacted]: Because- um, it was not a like I would imagine if you're saying semi-circle, you mean something like that.

INV. STONECIPHER: Yes.

[redacted]: It was very light semi-circle in a sense. So it was not very straight line but maybe something like that.

INV. STONECIPHER: Yeah.

INV. CARPENTER: Could you draw on here like, that's – that's essentially –

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[redacted]: Okay, I can – approximately ah-

INV. CARPENTER: Yeah.

[redacted]: Ah, so it would be maybe dots here, here, maybe someone here and maybe here, maybe here, here. Dots to kind of ah, so it was mostly around here and kind of slightly from different side but there were mostly in kind of straight line. They didn't want someone to get very close. That's what I remember.

INV. CARPENTER: Did any officers pass the driver's side window?

[redacted]: What do you mean?

INV. CARPENTER: Or pass the trunk? Did any of the officers-

[redacted]: Like move forward enough to pass-

INV. CARPENTER: Yeah.

[redacted]: I don't remember anybody doing that. You know what? Maybe someone in this area, kind of like really close to my house, or this side of the street, but nobody that was actually close to the car as far as I remember. Well until obviously everything cleared up. Yeah, no, I don't remember anybody getting ah, closer.

INV. CARPENTER: Do you believe that these officers had a um, a view of inside- who was inside the vehicle besides the trunk?

[redacted]: Um-

INV. CARPENTER: So where they spread enough to see like-

[redacted]: You mean from the sides, could they-

INV. CARPENTER: Right.

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[redacted]: See it from the sides?

INV. CARPENTER: Were they're- where they were positioned would they be able to see-

[redacted]: Yeah.

INV. CARPENTER: The inside of the vehicle?

[redacted]: Um, very minimally I would say. I would say they might – if someone is standing there, like -not standing- like sitting, I would imagine they might be able to see, okay, there's a – like someone in the backseat because you know, through the glass of the back, the um, backseat but I don't think that- like I don't imagine let's see even they would stand here, I don't think they were able to see that well inside.

INV. CARPENTER: Did you see any officers standing in front of your home?

[redacted]: Um, I didn't- ah, well, my view is not that great for that. Ah, I didn't look specific to see if someone- there might have been, like maybe there was few people in that area but again, might have been on that same line that was kind of closer in this area. Um, and then they might have some view but it's not a very good view. Like it would probably not be kind of a, not be um, how do – like when – like when-

INV. CARPENTER: Oh, perpendicular?

[redacted]: Yeah. It would probably not perpendicular to the car. It would be kind of ah, it's more backward so you have less view. That would be my guess.

INV. STONECIPHER: Okay. And then my other question is if you were to estimate how much time you think elapsed between when they started giving commands to the ah, person in the trunk

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to when you heard the gunshots?

[redacted]: I – I think it was quite long actually.

INV. STONECIPHER: Yeah.

[redacted]: Um, five minutes.

INV. STONECIPHER: Okay.

[redacted]: Maybe –'cause I remember like my neighbors from downstairs kind of came up and say, oh, it's pretty crazy, and that was when this was still going on and they're kind of- um, so I would say, again, my – my guess at the minimum, three minutes or so. I feel like it's actually pretty long, um, maybe even five minutes.

INV. STONECIPHER: Okay.

[redacted]: So I kind of felt um, you know, the arguing may be quite a lot of time. That's why I kind of started to, had a little suspicion maybe he's actually unable to do what they're doing versus, I don't know, hiding or trying to hide himself. So it was kind of, why is he taking so long with it.

INV. CARPENTER: Um, did you recall any commands by the officers um, to the person in the trunk, um, that if they – he doesn't exit the vehicle that they were shoot?

[redacted]: No. But I might not have, ah, I might have skipped that- at first I- the Spanish part, I don't speak Spanish. I wouldn't know. Um, for the English part, no, I do remember, like I said, that there was many cases where- many, at least four or five times, where he would maybe do something that was- looked suspicious to them and they would kind of raise their heads.

INV. CARPENTER: Can you describe that? What- what were-

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[redacted]: So it would be kind of ah, like I- I – like I don't know what he's done but all of a sudden when they were waiting for him to do what they asked. Like let's say, show the other hand, um, all of a sudden, "ahhhh" kind of you see the voice rise from the all the police and they're kind of warning him, um, um, that he's doing something that is – they're not comfortable with. And then it would calm down for a second. And then maybe ten, fifteen seconds afterwards another time, again. I don't know why- what exactly was he doing cause they probably had a better view like they always have like a different point of view and what's suspicious and like risky or not. Um, but he was- it was kind of moving the, kind of that he, you know, showed his leg so probably something that didn't like maybe moved his hand in a way that they were not happy with. But that also like maybe was a minute and a half of those things happening. So if I was kind of to try to put in time of those, based on some of those -of those, you know, requests, then he probably was he started actually moving and doing things. Then there was a period of time where they were – he was doing stuff, they were warning him. Then came the Spanish, um, speaking person, kind of ah, used the megaphone. Um, that happened for maybe a minute, ah, a minute and a half. During that time maybe there was another one of those kind of warnings, um, and the some passed and there was the shooting as far as I remember. That maybe it was shortly after some of the Spanish but that's kind of the times I remember it.

INV. CARPENTER: Um, was ah, the loud speaker loud? Could you hear clearly what in – the Spanish-

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[redacted]: Yeah, very loud.

INV. CARPENTER: Um, officer was saying?

[redacted]: Yeah. Very, very loud. Like he was using a megaphone, like it was like very- like it was much louder actually than – well, even the English part was pretty loud. Like they were yelling it pretty strongly. Ah, the Spanish one was the megaphone or something so that was very, very loud.

INV. CARPENTER: Um, after ah, the Spanish speaker would ah, make the order, was there silence or was there still-

[redacted]: Ah, I see, I see. Let me think. Well, I would say the volume level afterwards usually would be much lower. So maybe there would be some commotion or some- some noise, but not at a similar level to the noise that ah, the megaphone was doing kinda when they were shouting the orders.

INV. CARPENTER: And has SFPD contacted you?

[redacted]: No.

INV. CARPENTER: Has any other agency investigating the shooting contacted you?

[redacted]: Ah, they afterwards, um, someone downstairs asked for my email, um- nobody contacted me. You know, maybe it was related to you actually. I don't even remember. I remember one of the people living here kind of was saying that maybe it was for you- I think it was- let me think. What was it? Um, I think it was something to the extent of kind of police accountability. Like I don't [unintelligible] but something that was kind of looking to identify what happened. It was not the actual police. And it was not like, I don't know, a journalist based on what they – they were saying but nothing happened with

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that afterwards.

INV. CARPENTER: Okay. Um, you said earlier that you saw an officer with a shotgun?

[redacted]: Yeah there was an officer with a shotgun.

INV. CARPENTER: Um, do you remember how many officers had shotguns?

[redacted]: I remember only one.

INV. CARPENTER: Okay. And can you describe that shotgun?

[redacted]: Hmm. Um, well, it's hard for me. Like what would be the – like just looked like a shotgun. Like it's the first time I've seen a shotgun I guess in – in-

INV. CARPENTER: Ah, do you recall the color?

[redacted]: I think it has some brown in it and maybe black.

INV. CARPENTER: Okay. Ah, did it have an orange tip?

[redacted]: What do you mean? Ah, like with-

INV. CARPENTER: Um, because ah, SFPD has shotguns and they have what they called an extended ah, weapon, range weapon.

[redacted]: Um hmm.

INV. CARPENTER: Which is for beanbags.

[redacted]: I see.

INV. CARPENTER: Um, but it looks like a shotgun.

[redacted]: Oh, okay. That is possible. I had not noticed that but I can tell you that I noticed that person – that person with the shotgun, when he was walking, you know, [unintelligible] every now and then I saw him, I didn't see him pointing the gun at any given point. Like the people I saw them pointing the gun was mostly had just, I guess, handguns, pistols. He didn't seem- like I didn't see him point the gun

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and like I, you know, I – I actually kind of paid attention to that cause he was kind of different than the rest of them. Ah, but he was not pointing the gun as far as I could say.

INV. CARPENTER: Um, did he fire that shotgun?

[redacted]: I don't think so. Like again, I wouldn't of known started to compare like this – I would imagine it sounds like different. I don't think he shot it cause I didn't see him pointing it but I'm not hundred percent sure.

INV. CARPENTER: Okay. Um, um, you said- did you hear the- the first shot?

[redacted]: Well I – I heard everything. I guess I – I heard the-

INV. CARPENTER: So with the first shot, was there a pause for the second shot and was there a pause for the third and so on?

[redacted]: Um, let's see. It is possible that after the first shot there was a short, like you know everything is in seconds at that point so maybe a short pause and then there was surely plenty of shooting like let's say very, very one after another maybe like so would be like a five, seven, ten seconds, like many, many shootings. And then it – it stopped so it's possible after the first one there was a slight pause compared to the other ones afterwards. I – I wouldn't say I'm – I'm – I'm a hundred percent sure about that.

INV. CARPENTER: Did you notice the vehicle double-parked across the street before the officers stopped the vehicle?

[redacted]: You mean that car with the people inside?

INV. CARPENTER: Yes.

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[redacted]: No. I – I just heard when the cars and the police officers already there. That's how I came up because of all of the yelling there. I noticed that everything is going on there.

INV. CARPENTER: What were you doing prior to you heard the yelling?

[redacted]: Maybe on my laptop. Like maybe walking, something.

INV. CARPENTER: And you said you were in the front room where we are right now?

[redacted]: I was just here.

INV. CARPENTER: Okay.

[redacted]: I was probably here sitting toward that direction.

INV. CARPENTER: Did you exit your home at all?

[redacted]: Not on that day. No.

INV. CARPENTER: Okay. Ah, did you see – you said earlier that you saw some pedestrians on the street?

[redacted]: I – I think there was but I think -probably that was, there was some pedestrians coming either here or here or maybe in both and someone was maybe yelling at them not to come close or – I think there was something in that area.

INV. CARPENTER: You heard some type of interaction?

[redacted]: I – I don't remember hearing the pedestrian answering any way but I do remember the police officer was yelling towards ah, ah, some people and they kind of- I'm trying to remember if they were yelling that before the shooting or slightly after the shooting they were asking people not to get close. I don't- I'm not hundred- I – I -I'm thinking mostly it was even during the shooting, there was – like well, I guess

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before the shooting, um, there was some pedestrians coming closer, ah, and they were yelling not to close.

INV. CARPENTER: Were there um, the officers that were at the scene, were they always behind their doors or were there some that were not behind doors?

[redacted]: Ah no, I wouldn't say that they consistently stood behind-

INV. CARPENTER: Were uncovered?

[redacted]: No.

INV. CARPENTER: Were behind cover?

[redacted]: No. They were -they were actually walking- there was quite a lot of people actually walking in this area along that line, um, between them. Um, so there were surely times that they were not covered. I would say only a few of them were actually covered behind doors. At least in this line I would say. Behind doors, maybe there were some other car over – but I'm -I would be pretty positive that there was to some extent some time the people who just walking in that area slightly at risk maybe. We can say that.

INV. CARPENTER: Ah, do you recall how many officers were talking to the subject in the trunk?

[redacted]: So let's see. Early on – well, at that point it was already quite a lot of people- I would guess, um, I don't know. Earlier it was kinda, it felt more like in English part kind of- if there was probably one person yelling. It was pretty loud so I think it was one. Like I can't imagine two people who would be able to kinda say something coherently if both of them are speaking at the same time. But it was very

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loud so. Um, and as I said, the warning was kind of – it felt like it was coming from a few of them, maybe four or five, six people kind of saying something back. And then the megaphone thing was I think a woman police officer I think that came and started talking.

INV. CARPENTER: Um, her voice, was it calm, was it anxious? Do you recall?

[redacted]: It was calmer than before so like if before in English, it was kind of slightly um, more stressed out, more- I don't know, angry or kind of ah, it felt that she's um, kind of a more of a person that's supposed to commu- like better in communicating at this point. Maybe, well kind of a more of an official role or something that she was more used to. So it felt- and also maybe because she had the megaphone maybe she didn't need to yell and maybe it all sounded then more reasonable like just talk.

INV. CARPENTER: Okay. Is there anything else that you can recall, um, that we haven't talked about?

[redacted]: Um, no, nothing that comes to mind. Think we kind of covered everything.

INV. CARPENTER: Um, did you see any blood, um after the -?

[redacted]: Well on his body. Like when-

INV. CARPENTER: You saw the blood?

[redacted]: When they took him out, there was um, I think some of his body was like or clothes was slightly soaked with blood. And then on the floor. So that was the blood I saw.

INV. CARPENTER: Do you recall like the area?

[redacted]: Hmm. I think it was – well, maybe something

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around the chest area here but like I'm not positive. I'm not hundred percent sure.

INV. STONECIPHER: Ah, when you were looking out your window, did you have a clear view of the whole thing? Was there anything obstructing your view at all?

[redacted]: No. Well the second I saw that the trunk it was not fully open but in general, yes. Everything was pretty clear.

INV. STONECIPHER: Okay.

INV. CARPENTER: Did any officers tell you guys to stay in your home or get away from the window? Did you get any instructions from officers that-

[redacted]: No.

INV. CARPENTER: Were at the scene?

[redacted]: No. Well I will say at a certain point kind of started to kind of not to be that visible maybe for my own safety so I kind of ah, kind of looking at it but kind of using the curtains slightly hide myself except for my face to look at it. Ah, I was just in this ah, window and that window over there. Um, but I hadn't received any instruction from-

INV. CARPENTER: The window in, is that the kitchen?

[redacted]: Just here in the dining room you see-

INV. CARPENTER: Dining room?

[redacted]: Yeah.

INV. STONECIPHER: Yeah. For the record, he was also pointing to the window in the living room as well.

[redacted]: Yeah, yeah. So I started with the living room. At some point I said, oh, thinking maybe let's take a look

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through the – and then realized that in the dining room, I get to- well, assuming that you're interested in seeing what's going on, it's not as good cause ah, you can see less into the trunk. So then I moved back here.

INV. CARPENTER: What was your focus when you were watching the incident?

[redacted]: I would say-

INV. CARPENTER: What did you kinda fix- what were you fixated on?

[redacted]: Mostly about the trunk and this area between the police officer, like the front line of the police officers and cars. And the trunk.

INV. CARPENTER: And was there anything out of the ordinary that you saw?

[redacted]: Well, except for the entire incident I guess, um, nothing that's, nothing I can think of.

INV. CARPENTER: The interview is concluded. The time now is 6:25 p.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

STATEMENT OF [redacted]
DATE: M

DPA CASE NUMBER: 0097-18
POLICE INCIDENT REPORT NO: NOT INDICATED

[UI] = unintelligible [PH] = phonetic

[IA] = inaudible [TN] = translator's note

[WM] = word mispronounced

ENGLISH / SPANISH		ENGLISH / ENGLISH TRANSLATION	
IVTGR:	Okay, this, today is March the 28th of the year 2018. This interview is regarding DPA case number 0097-18 and is taking place, uhm, via telephone in Spanish. I will be interviewing, ah, [redacted]. ¿Señor, [redacted], me da permiso para grabar este entrevista?	IVTGR:	Okay, this, today is March the 28th of the year 2018. This interview is regarding DPA case number 0097-18 and is taking place, uhm, via telephone in Spanish. I will be interviewing, ah, [redacted]. Mr. [redacted], do you give me permission to record this interview?
[redacted]:	Sí.	[redacted]:	Yes.
CALDERON:	Okay, eh, y yo	CALDERON:	Okay, uh, and I work

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trabajo para la, la oficina de, ah, rendición de cuentas de la policía.	for the, the office of, uh, police accountability.
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: Y soy una investigadora. ¿Entonces usted sabe la razón por cual le voy a, le voy a entrevistar?	CALDERON: And I am an investigator. So then you know the reason for which I am going to, I am going to interview you.
[redacted]: Mah, sí.	[redacted]: Uh, yes.
CALDERON: ¿Sí? Okay. Okay, este, entonces el día, ah, marzo seis de, de este año, eh, hubo un robo ¿verdad?	CALDERON: Yes? Okay. Okay, uhm, so the the day, uh, March 6th of, of this year, uh, there was a robbery, right?
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: Y, y una balacera en la [redacted] de la calle Capp, a como eso de las 10:36 y media.	CALDERON: And, and a shooting at [redacted] on Capp Street, at like about 10:36, 10:30.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Por favor me puede	CALDERON: Can you please tell

decir todo lo que, lo que ocurrió, lo que usted vio, lo que le sucedió.	me everything that, that occurred, what you saw, what happened to you.
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: Okay, cuénteme, ¿qué pasó?	CALDERON: Okay tell me, what happened?
[redacted]: Oh, pues, yo venía ahí nomás y, y cuando--	[redacted]: Oh, well, I was just going along and, and, when--
CALDERON: ¿Cómo?	CALDERON: What?
[redacted]: Yo venía	[redacted]: I was going along
CALDERON: Primero dígame qué estaba haciendo y luego qué pasó cuando le ocurrió y luego como [VOCES TRASLAPAN]	CALDERON: First tell me what you were doing and then what happened with what happened and to you and then how [VOICE OVERLAP]
[redacted]: Oh, no, yo, yo nomás, nomás venía, venía caminando a mi casa, entonces me, me asaltó ahí, me puso el arma y después se	[redacted]: Oh, no, I, I was just, I was just, just walking to my house, but then I, I was assaulted there, he placed the weapon

fue corriendo ahí y vi que la policía venia pues, entonces yo regresé y del otro lado así la policía lo agarró. Entonces yo me quedé ahí cuando escuché que hubo la balacera y es todo que escuché yo.	on me and then he took off running there and I saw that the police were coming, so then I went back and the the police grabbed him on the other side. So then I stayed put there when I heard the shooting and it's all that I heard.
CALDERON: Okay, entonces ¿usted estaba saliendo de su casa o iba entrando a su casa?	CALDERON: Okay, so then were you leaving your house or going inside your house?
[redacted]: No, iba entrando pa' mi casa. Iba pa mi casa.	[redacted]: No, I was going into my house. I was going to my house.
CALDERON: Okay. Y ¿cuál es el--	CALDERON: Okay. And which is--
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: --cuál es su casa? ¿Dónde queda su casa?	CALDERON: --which is your house? Where is your house?

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[redacted]: Ah, yo vivo aquí en la, la 20 y Capp.	[redacted]: Uh, I live here at, at 20th and Capp.
CALDERON: ¿20 y Capp?	CALDERON: 20th and Capp?
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Ajá y ¿cuál es su dirección?	CALDERON: Aha and what is your address?
[redacted]: Ah, [redacted].	[redacted]: Uh, [redacted].
CALDERON: ¿Cuánto?	CALDERON: How much?
[redacted]: Ah, [redacted]	[redacted]: Uh, [redacted].
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Capp.	[redacted]: Capp.
CALDERON: So y, y, ahm, ¿estabas solo o estabas con alguien?	CALDERON: So, and, and, uhm, were you alone or were you with someone?
[redacted]: Oh, yo venía solo, pero ahí estaba un muchacho ahí que él vio ese día cuando el muchacho me asaltó, ¿no?	[redacted]: Oh, I was by myself, but there was a young man there who saw when the young man assaulted me that day, right?
CALDERON: Mm-jm.	CALDERON: Mm-hm.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Entonces fue, este,	CALDERON: So then it was, uhm,

okay, entonces usted iba, ¿ya estaba usted a su puerta? Oh---	okay, so then were you going, were you already at your door? Or--
[redacted]: Todavía no. Es que estaba en la 21 o en la 21 fue el accidente. Yo vivo en la 20, otra cuadra cuadra pa', para la derecha, la, la izquierda donde yo, ah, donde yo, donde fue el accidente, ah, 21, yo vivo en la 20. Estaba una cuadra pa' allá mi casa, ¿no?	[redacted]: Not yet. The thing is, I was on 21st or on 21st was the accident. I live on 20th, another block towards, towards the right, the, the left, where I, uh, where I, where the accident took place, uh, 21st, I live on 20th. My house is a block away over there, right?
CALDERON: ¿So, lo, lo asaltaron en la calle o en frente de su casa?	CALDERON: So, they, they assaulted you on the street or in front of your house?
[redacted]: No, en la calle.	[redacted]: No, on the street.
CALDERON: Oh, ¿en la calle? Okay.	CALDERON: Oh, on the street? Okay.

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[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: So, iba rumbo para su casa pero no, no--	CALDERON: So you were on your way to your house, but you didn't, didn't--
[redacted]: Sí, sí	[redacted]: Yes, yes.
CALDERON: --llegó a su casa?	CALDERON: --get to your house?
[redacted]: [redacted]	[redacted]: [redacted].
CALDERON: Okay, so, en, [redacted] fue que lo asaltaron?	CALDERON: Okay, so, [redacted] Street and Capp was where they assaulted you?
[redacted]: Mm-jm.	[redacted]: Mm-hm.
CALDERON: Okay. Y ¿quién, quién fue el que le asaltó a usted?	CALDERON: Okay. And who, who was it that assaulted you?
[redacted]: Oh, el muchacho el que, el que, ¿cómo se llama? lo agarró la policía ese día, cuando le IA.	[redacted]: Oh, the, the guy who, the one who, what do you call it? the one who the police got that day, when they IA.
CALDERON: Sí.	CALDERON: Yes.

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[redacted]: O sea, el que lo mató la policía, ¿no?	[redacted]: I mean, the one who the police killed, right?
CALDERON: Okay, so, el muchacho	CALDERON: Okay, so, the guy
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Y ¿qué le dijo el muchacho?	CALDERON: And what did the young man say to you?
[redacted]: Ah, que, cómo se llama, cuando yo venía caminando, cuando él me ve me dice, ey, ah, cómo se llama, sácame la feria, me dijo así. Digo, ¿cuál feria? le dije yo. Dinero, me dijo. Entonces yo saqué mi cartera y le di el dinero así en la mano y entonces me dijo él que dame todo. Si yo no tengo más, solo lo que tengo le dijo yo, es	[redacted]: Uh, that, what do you call it, when I was walking along, when he sees me, he says, hey, uh, what do you call it, take out your cash, he says to me. I say, what cash, I say. Money, he says to me. So then I took out my wallet and I gave him the money like in his hand and then he says to me to give him all of it. But I don't have anymore, this is all

todo. Él me apuntó, me apuntó con la arma **[4:01]** así después. Y el otro muchacho vio que él me apuntó así y, y se fue corriendo al otro lado así donde, donde yo creo que estaba esperando otro en el carro y es cuando la policía vio pues, yo entonces le grité yo y el otro muchacho gritó también y ya y así, y así pasó el accidente ese día.	that I have, I say to him, it's all. He pointed it at me, he pointed the weapon at afterwards. And the other young man saw that he pointed it at me and, and he took off running to the other side where, where I think somebody else was waiting for him in a car and that's when the police saw it, well, so then I screamed, I did, and the other young man screamed as well and that was it and that's who how the accident happened that day.
CALDERON: Okay, entonces, este,	CALDERON: Okay, so then, uhm,

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el, el muchacho, ah, ¿se enfrentó de cara a cara a usted o por de atrás o cómo fue?	the, the guy, uh, did he get in front of you face to face or from behind or how was it?
[redacted]: No, se, me, me enfrentó él muy enfrente, así de cara a cara, ¿no?	[redacted]: No, he, he, he confronted me very much in front of me, like face to face, right?
CALDERON: ¿Cómo? ¿En frente?	CALDERON: How? From in front?
[redacted]: Me enfrentó	[redacted]: He confronted me.
CALDERON: ¿Cara a cara?	CALDERON: Face to face?
[redacted]: Yeah. Yeah.	[redacted]: Yeah.
CALDERON: Ajá. Y, y le dijo, ¿le hablo en español, él?	CALDERON: Aha. And, and did he say, did he speak to you in Spanish?
[redacted]: Sí, en español.	[redacted]: Yes, in Spanish.
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿En español le dijo que le diera la feria o el dinero?	CALDERON: in Spanish he told you to hand over your cash or money.
[redacted]: Yeah.	[redacted]: Yeah.

CALDERON: Okay, y, y ¿usted vio que tenía el arma?	CALDERON: Okay, and, and you saw he had a weapon?
[redacted]: Sí, eh, eh	[redacted]: Yes, uh, uh
CALDERON: ¿O después atacó?	CALDERON: Or did he attack afterwards?
[redacted]: No, él, él lo sacó el arma, y cuando sacó el arma me apuntó así, entonces le dije, okay, le dije yo.	[redacted]: No, he, he took it out, the weapon, and when he took out the weapon he pointed at me like this, so then I said, okay, I said.
CALDERON: Y ¿a dónde le apuntó?	CALDERON: And where did he point it?
[redacted]: Aquí en el estómago, pero--	[redacted]: Here at my stomach, but--
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿Pero usted vio la arma? ¿Sí o no?	CALDERON: But did you see the weapon? Yes or no?
[redacted]: Sí, sí lo vi. Yo vi el arma.	[redacted]: Yes, yes, I saw it. I saw the weapon.
CALDERON: Ajá. ¿Y cómo era el arma?	CALDERON: Aha. And what was the weapon like?
[redacted]: Era como color así,	[redacted]: It was like the type

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ah, gris, así gris.	of color, uh, gray, like gray.
CALDERON: ¿Gris?	CALDERON: Gray?
[redacted]: Yeah, gris o negro así, como unas IA y un . . . yeah.	[redacted]: Yeah, gray, like black, like some IA and a . . . yeah.
CALDERON: Okay, entones era un muchacho, ¿y después usted vio otro muchacho?	CALDERON: Okay, so it was a young guy, and then you saw another young guy?
[redacted]: Ah, no, el otro muchacho, el que estaba ahí parqueado en su carro, él, él vio que él, cuando él sacó el arma así.	[redacted]: Uh, no, the other young guy, the one who was parked there in the car, he, he saw that he, when he took out the weapon like that.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay. ¿Entonces había un muchacho en, en, en un coche? Y--	CALDERON: Okay. So then there was a young guy in, in, in a car? And--
[redacted]: Ajá. Yeah. Yeah.	[redacted]: Aha. Yeah. Yeah.
CALDERON: Okay. ¿Y, y él lo	CALDERON: Okay. And, and he

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asaltó?	assaulted you?
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay, y, y, como ¿qué horas eran cuando esto le sucedió a usted?	CALDERON: Okay and, and like about what time was it when this happened to you?
[redacted]: Oh, ese, ese día era como las 10:25 o las 10:30, a esa hora.	[redacted]: Oh, that, that day it was like 10:25 or 10:30, around that time.
CALDERON: Ajá. ¿Y ya estaba oscuro--	CALDERON: Aha. And was it dark already--
[redacted]: Yeah, sí.	[redacted]: Yeah, yes.
CALDERON: --en la calle?	CALDERON: --in the street.
[redacted]: Sí, sí, ya estaba oscuro.	[redacted]: Yes, yes, it was dark already.
CALDERON: Ajá. Y, este, ¿había luz de la calle? ¿Se podía ver? ¿Usted podía ver bien la cara del muchacho y--	CALDERON: Aha. And, uhm, was there light on the street? Could you see? Could you see the young man's face well and--
[redacted]: Sí. Sí, había luz.	[redacted]: Yes. Yes, there was light.

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CALDERON: ¿Y alguien vio cuando lo estaban asaltando?	CALDERON: And did anyone see when you were being assaulted?
[redacted]: Sí, el otro muchacho, porque hay un muchacho que lo llevó aquella vez cuando nos, nos llevó la policía en Bryant. Es, es otro, otro muchacho que era, que era de Perú o no sé qué de donde era el muchacho el que él vio que ese día cuando me apuntó con el arma.	[redacted]: Yes, the other young man, because there was a young man who was taken at the time when we, when the police took us to Bryant. It, it was another, another young guy who was, who was from Peru, or I don't know where this young guy was from, who managed to see the gun being pointed that day.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay, entonces, ahm, entonces ¿usted le dio su dinero?	CALDERON: Okay, so then, uhm, so then you gave him your money?
[redacted]: Yeah.	[redacted]: Yeah.

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CALDERON: Okay, ¿Y el muchacho le tocó sus bolsillos o algo así?	CALDERON: Okay, and did the young man touch your pockets or anything like that?
[redacted]: No, no, no tocó. Yo solo dejé mi dinero, le di a él.	[redacted]: No, no, he didn't touch. I just gave him my money, I gave it to him.
CALDERON: ¿Y cuánto dinero le dio?	CALDERON: And how much money did you give him?
[redacted]: Ah, no, no tenía bien contado, pero como unos, ah, unos, ah, cincuenta, sesenta dólares porque eso lo llevaba ese día.	[redacted]: Uh, I didn't, didn't really have it all counted out, but like maybe, uh, maybe, uh, fifty, sixty dollars because that's what I had that day.
CALDERON: Ajá, okay.	CALDERON: Aha, okay.
[redacted]: Ajá. Yeah.	[redacted]: Aha. Yeah.
CALDERON: Okay, y después que le dio el dinero, ¿qué pasó después? ¿Qué hizo usted?	CALDERON: Okay and after you gave him the money, what happened afterwards? What did you do?

[redacted]: Y, y, eh, eh,, no, pues yo me quedé así, me quedé parado, asusté, como, cuando sacó el arma, cómo se llama, ya no dije nada, entonces yo le di mi dinero, entonces me dijo, no solo eso llevas, me dijo. Me dijo ¿mas? No, le dije yo, no, es todo ya. Después, ah, se fue cruzando al otro lado, el lado de 21 está así al otro lado donde está el, el, donde está el, como se llama, la casa de los ancianos. Y él	[redacted]: And, and, uh, uh, no, so I just stayed put, I remained standing, I got scared, since, when he took out the weapon, what do you call it, I didn't say anything, so then I gave him my money, then he says to me, that's not all you have, he says. More? he says. No, I say, I don't, that's all I have. Afterwards, uh, he crossed to the other side, the side of 21st which is across from where the, the, from where the, what's it called, the old folks home is. And he
CALDERON: Ajá.	CALDERON: Aha.

[redacted]: Y él sí cruzó al otro lado así para ir, para irse pa' arriba, para allá para agarrar la 22.	[redacted]: And he crossed to the other side to go to, to go up to, to go over there, to get onto 22nd.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Pero, y como y como venía la policía así en la veintiuno y, y South Van Ness.	[redacted]: But, and since and since the police were on their way along 21st and, and South Van Ness.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Y el otro muchacho vio que cuando él se fue y él gritó y yo grité también, entonces como cabal venía la policía entonces ahí, ahí agarró la policía allá los muchachos.	[redacted]: And the other young man saw when he took off, and then he screamed, and then I screamed as well, then the police happened to come right away, right there, and then the police grabbed the guys over there.
CALDERON: Ajá. **[8:00]** Entonces	CALDERON: Aha. So then you--

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usted--	
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: --usted, okay, so el muchacho en el co, en el carro--	CALDERON: --you, okay, so the young guy in the, in the car--
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: --vio la policía y se fueron?	CALDERON: --saw the police and they took off?
[redacted]: Sí, sí gritó él y yo grité también.	[redacted]: Yes, yes, he screamed and I also screamed.
CALDERON: ¿Usted llamó la policía?	CALDERON: You called the police?
[redacted]: Sí, sí, yo grité y	[redacted]: Yes, yes I screamed and
CALDERON: Oh, ¿usfed grito?	CALDERON: Oh, you screamed?
[redacted]: Y el muchacho también gritó. Yeah.	[redacted]: And the young guy screamed as well. Yeah.
CALDERON: Ajá. ¿Y quién más gritó?	CALDERON: Aha. And who else screamed?
[redacted]: Como él me, él, cómo se llama, dijo, llevo una arma, llevo un arma, dijo, entonces,	[redacted]: Since he had, he, what do you call it, he said, I've a weapon, I've got a

y el policía vio que él, él metió, eh, corriendo, se fue para aventar en el carro y la policía cruzó ya y entonces, y allí se quedó, allí se quedó el carro y ya no se movió mas--	weapon, he said, then, and the police saw that he, he went in, uh, he took off running to throw himself into the car and the police went across and then, and then he stayed put, the car stayed put after that and didn't move anymore--
CALDERON: Ohhhh, okay.	CALDERON: Ohhhh, okay.
[redacted]: --el carro, no sé. Yeah.	[redacted]: --the car, I don't know.
CALDERON: Okay. Cuando llegó, a ver, si le estoy entendiendo, okay, el, el muchacho se llevó su dinero.	CALDERON: Okay. When he took off, let's see, let me see if I am understanding you, okay, the, the young guy took your money.
[redacted]: Mm-jm.	[redacted]: Mm-hm.
CALDERON: ¿Y el que estaba en el carro le gritó	CALDERON: And was the one in the car, did he yell

algo al muchacho? ¿O él nomas se subió?	something at the young man? Or he just jump in?
[redacted]: No, no, él nomas, yo, el nomás, nomás vio, él, cómo se llama, no, él no, no dijo nada.	[redacted]: No, no, he just, I, he only, only saw, he, what's it called, no, he didn't, didn't say anything.
CALDERON: ¿Oh, no dijo nada? ¿El que estaba manejando no dijo nada?	CALDERON: Oh, he didn't say anything? The one who was driving didn't say anything?
[redacted]: No, no dijo. Yo no vi, yo no vi el que, exacto, yo no vi el que estaba manejando.	[redacted]: No, he didn't say anything. I didn't see, I didn't see the, exactly, I didn't see the one driving.
CALDERON: Ohhhh	CALDERON: Ohhhh
[redacted]: Yo no vi nada.	[redacted]: I didn't see anything.
CALDERON: Oh, okay.	CALDERON: Oh, okay.
[redacted]: Yeah, yeah.	[redacted]: Yeah, yeah.
CALDERON: Entonces, cuando	CALDERON: So then, when the

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llegó la policía, ¿era por casualidad que la policía estaba pasando por allí?	police showed up, was it by chance that the police happened to be passing by there?
[redacted]: Sí, era por casualidad que la policía cruzó en la South Van Ness y, y 21 para llegar a la 21 y Capp.	[redacted]: Yes, it was by coincidence that the police crossed South Van Ness and, and 21st to get to 21st and Capp.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Y como ese día cuando él, cuando él me asaltó cruzó al otro lado así y el	[redacted]: And sin e that day when he, when he assaulted me he crossed to the other side like so and the
CALDERON: Sí.	CALDERON: Yes.
[redacted]: --otro muchacho que estaba de testigo--	[redacted]: --other young man who was a witness--
CALDERON: Yeah.	CALDERON: Yeah.
[redacted]: --vio cuando él me apuntó con el arma, entonces él les gritó y yo también grité y	[redacted]: --saw when he pointed the weapon at me, so then he screamed out at them, and I also

la policía así, como se llama, con el muchacho que me robó, se fue algo rápido, se metió en el carro y todo enseguida, pero no, ya no, ya no se fueron porque la policía todos llegó ahí, entonces ahí se quedaron.	screamed out, and that's how the police, what do you call it, took off quickly after the young man who robbed me and who went into a car and everything fast, but no, they didn't, they didn't take off because all the police showed up there, so that's why they stayed put.
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿Y usted vio cuando el muchacho se subió al carro?	CALDERON: And did you see the young man went into the car?
[redacted]: No, no lo vi	[redacted]: No, I didn't see him.
CALDERON: Oh	CALDERON: Oh.
[redacted]: Porque como solo, solo lo vi que entró aquí medio a todo y	[redacted]: Because I only, I only saw that he went here in middle of

ya no lo vi ya.	everything and after that I didn't see anymore.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Entonces ¿usted habló con la policía en ese momento o no?	CALDERON: So then, did you speak to the police at that moment or not?
[redacted]: Ah, sí, cuando vi que, o sea, que fue uno que agarró la policía, después yo me quedé así en la 21. Después, llamó otra policía, después llegaron rápido y llegó la más policía, entonces otro, otra policía llegó, entonces él estuvo hablando conmigo. Entonces ahí estuvo él, ah, investigando	[redacted]: Uh, yes, when I saw that, I mean, that the police had grabbed someone, well, I stayed there on 21st. Afterwards, other police were called, then they showed up fast and other police showed arrived, so then other, other police showed up, and then he was talking to me. So then he was there,

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qué pasó, pues ya esto y esto después ahí se quedó conmigo platicando.	uh, investigating what had happened, well, this and that, and then he remained there talking to me.
CALDERON: Ajá. Ustedes se quedaron--	CALDERON: Aha. You guys remained--
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: --ahí. Okay.	CALDERON: --there. Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Este y, y, usted cuando habló ¿recuerda con cuál policía habló usted?	CALDERON: Uhm, and, and, when you spoke, do you recall with which officer you spoke?
[redacted]: Ah, sí.	[redacted]: Uh, yes.
CALDERON: ¿Cómo se llamaba o cómo era?	CALDERON: What his name or what was he like?
[redacted]: Oh, se llamaba, no, eso, me dio su número la policía, que era un latino que, que, que andaba con la, ¿cómo se llama? la, la, la otra policía	[redacted]: Oh, his name was, no, that, the officer gave me his number. But he was a latino who, who, who was with the, what do you call it, the, the

que estaba él, me dio su número ahí.	other police officer who was with, he gave me his number there.
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Entonces usted cuando habló con la policía le contó exactamente qué fue lo que sucedió?	CALDERON: So then, you, when you spoke to the police, did you tell him exactly what had happened?
[redacted]: Ajá. Yeah.	[redacted]: Aha. Yeah.
CALDERON: Y, y, este, y, y, ¿usted les dio la descripción del que, del hombre, del sospechoso que lo asaltó a usted?	CALDERON: And, and, uhm, and, you gave them the description of the, of the man, the suspect who assaulted you?
[redacted]: Sí.	[redacted]: Yes.
CALDERON: Okay. ¿Y cuál era la descripción del muchacho?	CALDERON: Okay. And what was the description of the young guy?
[redacted]: Oh, él me preguntó, cómo es el muchacho y digo, pues es así, sí	[redacted]: Oh, he asked me, what is the young man like and I say, well, he's

lleva, este, lleva un conchetas [TERMINO DESCONOCIDO] azul. ¿Qué te llevó? dice. Pues me asalto este. ¿Di su dinero? ¿Él se arrancó en tu bolsa? Digo no, yo le di, yo le saqué de mi dinero y le di a su mano de él porque él me apuntó con el arma entonces me dio miedo y le di el dinero, yeah.	like so, he's got, uhm, he's got a blue conchetas [UNFAMILIAR TERM]. What did he take? Well, he assaulted me. Did you give him your money? Did he yank your bag off you? I say, no, I gave him, I took my money out and placed it in his hand because he pointed the weapon at me and I got scared so I gave him the money, yeah.
CALDERON: Mm-jm.	CALDERON: Mm-hm.
[redacted]: Y ¿cómo es? Le digo, es como un, así, algo moreno, algo, no tan alto de así, lleva una gorra que, todo, le di todo, le di, le	[redacted]: And what did he look like? I say, he's like, like, somewhat dark, somewhat, not too tall like so. He had a beanie on and,

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dije al . . . **[12:00]**	everything, I gave him everything is what I told the . . .
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Y entonces, ahm, okay, ¿so llevaba una gorra, dijo?	CALDERON: And then, uhm, okay, so he had a beanie on, you say?
[redacted]: Mm-jm.	[redacted]: Mm-hm.
CALDERON: Okay. ¿De qué tipo de gorra era?	CALDERON: Okay. What type of beanie was it?
[redacted]: Era gorra esa, ah, una gorra negra, así el que se usa para el frio, ¿no?	[redacted]: It was one of those beanies, uh, it was a black beanie, the ones you use in the cold, right?
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Y, y ¿qué ropa andaba?	CALDERON: And, and what clothes was he in?
[redacted]: Eh, andaba un, un pantalón así negro, pero flojo y una, y un, un jacket así	[redacted]: Uh, he was in some, some pants that were like black, but loose and a, and a jacket

negro también.	that was like black as well.
CALDERON: ¿Y dijo que el muchacho era como moreno?	CALDERON: And you said that the young man was like black?
[redacted]: ¿Perdón?	[redacted]: Pardon?
CALDERON: ¿Qué, de qué raza o que color era el muchacho?	CALDERON: What, what race or what color was the young man?
[redacted]: Es como raza, lucia, era como latino tal vez porque me habló en español.	[redacted]: It was the race, he appeared to be, he was like latino perhaps because he spoke to me in Spanish.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Pos, yeah.	[redacted]: Well, yeah.
CALDERON: ¿Y como cuántos años cree que tenía?	CALDERON: And about how old do you think he was?
[redacted]: Oh, yo digo como 20 a 25, le dije, ¿verdad?	[redacted]: Oh, I'd say like 20 or 25, I told him, right?
CALDERON: Ah, okay.	CALDERON: Uh, okay.
[redacted]: Yeah.	[redacted]: Yeah.

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CALDERON: Ah, entonces ¿usted cuando le señaló a las policía a ¿dónde se fue el sospechoso?	CALDERON: Uh, so then, when you signaled to the police where the suspect had gone?
[redacted]: Oh, él se fue corriendo así para allá agarrar la 22. Yo creía que él iba ir para la 22, ¿no?	[redacted]: Oh, he like took off running over there, like towards 22nd. I thought he was going toward 22nd, right?
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿Y usted se, señaló a donde se, se fue?	CALDERON: And did you, did you signaled where he went?
[redacted]: Sí, sí, sí lo vi y él, cuando el policía vio también cuando, cuando él cruzó por otro lado así, se metió así rápido en el carro que	[redacted]: Yes, yes, I did see him and he, and since the police also saw when, when he crossed to the other side, he went into the car quickly so that
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Sí, y entonces el policía vio, pues,	[redacted]: Yes, and then the police saw, well,

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que él	that he
CALDERON: Mm-jm.	CALDERON: Mm-hm.
[redacted]: --que él ya había robado o no sé que--	[redacted]: And that he had already robbed or I don't know-=-
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: --iba así ya de prisa ya, ¿no?	[redacted]: --that he was already acting in a hurry, right?
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Entonces, este, so el policía que estaba con usted, usted le dio su declaración?	CALDERON: So then, uhm, so the police officer who was with you, did you give a statement?
[redacted]: Sí, ya.	[redacted]: Yes, I had.
CALDERON: Ajá. ¿Y le dio declaración a alguna otra persona?	CALDERON: Aha. And did you give a statement to any other person?
[redacted]: No, no.	[redacted]: No, no.
CALDERON: ¿Fue a la estación, usted?	CALDERON: Did you go to the station?
[redacted]: Sí, sí fui en, ahm, me llevaron ahí en	[redacted]: Yes, yes, I went to, uhm, they took me

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la, aquí nomás, me llevaron a la Bryant.	there to the, just here, they brought me to Bryant.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿Ese mismo día?	CALDERON: That same day?
[redacted]: Sí, el mismo noche.	[redacted]: Yes, the same night.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay. ¿Y, y le dieron traductor o habló con uno que hablaba español?	CALDERON: Okay. And did they provide a translator or did you speak to someone who spoke Spanish?
[redacted]: No, el policía que me habló, él, él [VOCES TRASLAPAN] hablaba español.	[redacted]: No, the police officer who spoke to me, he, he [VOICE OVERLAP] spoke Spanish.
CALDERON: Ah, él era español.	CALDERON: Uh, he was Spanish.
[redacted]: Él era español, yeah.	[redacted]: He was Spanish, yeah.
CALDERON: ¿Y los policías persiguieron al sospechoso?	CALDERON: And did the police chase after the suspect?

[redacted]: Ahm, sí.	[redacted]: Uhm, yes.
CALDERON: ¿Sí? Okay, ¿y usted vio cuando sucedió todo?	CALDERON: Yes? Okay, and did you see when all this happened?
[redacted]: Mm.	[redacted]: Mm.
CALDERON: ¿O no?	CALDERON: Or not?
[redacted]: No, no, yo no vi nada porque estaba yo así al donde, donde, fue más, este, atrás de un carro así entonces ya no vi qué, qué pasó ahí.	[redacted]: No, no, I didn't see anything because I was like, where, where, it was more like, uhm, behind the car, so then I didn't see what happened there.
CALDERON: Oh, ¿usted se--	CALDERON: Oh, you--
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: se metió a la patrulla?	CALDERON: --you went into the patrol car?
[redacted]: No, o sea, yo estaba como si estuviera ahí en la calle, así cerca, pero no, no miraba yo así atrás de los carros que,	[redacted]: No, I mean, I was, like, still out on the street, close by, but no, I couldn't see behind the cars so, so I couldn't see

qué pasó ahí, ¿no?	what happened there.
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿Entonces estaba atrás de un carro de policía, pero no pudo ver lo que estaba sucediendo?	CALDERON: So you were in the back of a police car, but you couldn't see what was happening.
[redacted]: Sí, yeah.	[redacted]: Yes, yeah.
CALDERON: Okay, ahm, ¿usted vio, ah, el sospechoso, ah, meterse al baúl del, del coche?	CALDERON: Okay, uhm, did you see, uh, the suspect, uh, going into the trunk of the, of the car?
[redacted]: No, no, no vi eso. Solo vi que metió así a medias. No lo vi como	[redacted]: No, no, I didn't see that. I just saw he went into the middle of everything. I didn't see how--
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: --donde se metió ahí. No, no vi.	[redacted]: --how he got in there. No, I didn't see.
CALDERON: Okay, ah, okay,	CALDERON: Okay, uh, okay, you

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¿usted dice que no vio, usted no vio cuando sucedió la balacera?	said that you didn't see, you didn't see when the shooting took place?
[redacted]: No, no.	[redacted]: No, no.
CALDERON: No vio. Okay, ¿pero usted escuchó lo que estaban diciendo y lo que estaba pasando?	CALDERON: You didn't see. Okay, but you heard what they were saying and what was happening?
[redacted]: Sí, sí.	[redacted]: Yes, yes.
CALDERON: Okay. ¿Qué tan lejos estaba usted de, de donde ocurrió la balacera?	CALDERON: Okay. How far away were you from, from where the shooting took place?
[redacted]: Oh, estaba como de, como unos, ah, ahm, cerca, como unos ocho o diez pies así cerca donde estaba yo.	[redacted]: Oh, I was like about, like maybe, uh, uhm, nearby, like maybe eight or ten feet away is where I was.
CALDERON: ¿Ocho o diez pies cerca?	CALDERON: Uhm, eight to ten feet close by?
[redacted]: Ajá. Yeah. Yeah.	[redacted]: Aha. Yeah. Yeah.
CALDERON: Oh, eso estaba cerca.	CALDERON: Oh, that was close by.

[redacted]: Sí, sí.	[redacted]: Yes, yes.
CALDERON: ¿Pero no vio?	CALDERON: But you didn't see?
[redacted]: No, no vi porque estaba atrás él, o sea, atrás del carro entonces no vi.	[redacted]: No, I didn't see because he was behind, I mean, behind the car, so then I didn't see.
CALDERON: Ajá. Entonces	CALDERON: Aha. So then
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Y, pero ¿entonces ya habían, ahm, bloqueado las calles?	CALDERON: And, but had they already, uhm, blocked off the streets by then?
[redacted]: Ajá. Ya.	[redacted]: Aha. They had.
CALDERON: ¿Sí? Ohhhh	CALDERON: Yes? Ohhhh
[redacted]: Sí.	[redacted]: Yes.
CALDERON: Mm-jm.	CALDERON: Mm-hm.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay, y, ¿usted, usted conocía al sospechoso?	CALDERON: Okay, and, you, did you know the suspect?
[redacted]: No.	[redacted]: No.
CALDERON: ¿Nunca lo había visto?	CALDERON: You had never seen him before?

[redacted]: No.	[redacted]: No.
CALDERON: Okay. ¿Y, y usted conocía algunos de los policías que hablaron con usted?	CALDERON: Okay. And, and did you know any of the police that had spoken with you?
[redacted]: Ah, no, no conocía.	[redacted]: Uh, no, I didn't know them.
CALDERON: ¿No? Okay. ¿Y le regresaron su pertenencias? ¿Tu dinero?	CALDERON: No? Okay. And did they return to you your beginnings? Your money?
[redacted]: Oh, no, no me, no.	[redacted]: Oh, no, they didn't, no.
CALDERON: Okay, este, okay, so entonces el sospechoso que lo asaltó a usted fue el mismo que, que estuvo en la balacera?	CALDERON: Okay, uhm, okay, so then the suspect who assaulted you, was it the same one who, who was in the shooting?
[redacted]: Mm-jm.	[redacted]: Mm-hm.
CALDERON: ¿Sí?	CALDERON: Yes?
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿Y cómo supo que era el mismo?	CALDERON: And how do you know it was the same one?

[redacted]: Ah, porque, ahm, allí estaban, allí estaba, cómo se llama, ahí está lo, lo, lo, lo pusieron una foto en el, en el Facebook y cuando lo vi ya, es este, dije yo.	[redacted]: Uh, because, uhm, they were there, it was there, what do you call it, that's where the, the, the, they put a photo of him on, on Facebook and when I saw it, uhm, it's him I said.
CALDERON: Oh, so ¿mientras	CALDERON: Oh, so while
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: estaba sucediendo todo	CALDERON: everything was happening
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: --la policía fue el que le ensenó el Facebook o usted lo vio?	CALDERON: --was it the police who showed you the Facebook or did you see it?
[redacted]: No, no, no, o sea que al siguiente, el otro día cuando yo me fijé	[redacted]: No, no, no, I mean, the following, the next day, I noticed it,
CALDERON: Oh, ¿el próximo día?	CALDERON: Oh, the following day?

[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿No fue a la estación el próximo día o la misma noche?	CALDERON: You didn't go to the station the next day or was it the same night?
[redacted]: Ah, no, la misma noche.	[redacted]: Uh, no, the same night.
CALDERON: Okay, y, este,	CALDERON: Okay, and, uhm,
[redacted]: ¿Hello?	[redacted]: Hello.
CALDERON: Espéreme, yeah, oh, okay, entonces cuando la policía, este, ahm, okay, entonces como usted me está describiendo lo que sucedió, fue como que la policía se dio cuenta que lo asaltaron a usted?	CALDERON: Hold on, yeah, oh, okay, so then, when the police, uhm, uhm, okay, so then the way you are describing it to me what happened, it was like the police became aware that you had been assaulted?
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: ¿Sí? Okay. Porque usted dice que hubo	CALDERON: Yes? Okay. Because you said there had

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un testigo.	been a witness.
[redacted]: Sí, yeah.	[redacted]: Yes, yeah.
CALDERON: Que también gritó porque vió la pis--	CALDERON: Who also screamed out because he saw the--
[redacted]: Ajá. Yeah, yeah.	[redacted]: Aha. Yeah, yeah.
CALDERON: Okay. ¿Entonces no era necese, necesario que usted llamara la policía?	CALDERON: Okay. So then it wasn't nece, necessary that you call the police?
[redacted]: No, no porque, ah, venía la policía dentro de, de casualidad, ¿no?	[redacted]: No, no, because, uh, the police were coming by, by coincidence, right?
CALDERON: ya venia	CALDERON: --already coming.
[redacted]: [VOCES TRASLAPAN] ¿no? De, de, y venía aquí en la 21 y South Van Ness.	[redacted]: [VOICE OVERLAP] right? From, from and coming from 21st and South Van Ness.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Pero como el muchacho se fue algo corriendo para meterse en el carro, entonces, entonces la policía	[redacted]: But since the young man like took off running to go into the car, then, then, and the police saw

vio, entonces y yo grité también y vi que la policía venía, entonces yo grité también y el otro muchacho gritó.	it, then I screamed as well and I saw the police coming, so then I screamed as well and the other young man screamed.
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Y el policía puso las luces como él vio que, él vio que él corriendo iba para meterse en el carro--	[redacted]: And the officer turned on the lights since he saw, he saw him running to go into the car--
CALDERON: Jmm	CALDERON: Hmm.
[redacted]: Entonces allí, allí a donde agarró la policía, entonces yo no, yo no llamé, no había llamado la policía porque como ese día de casua[lidad] apareció la policía allí.	[redacted]: So then, there, there, where the police grabbed him, I didn't, I didn't call, I had not called the police because by chance, that day, the police showed up there.
CALDERON: Mm-jm. Okay.	CALDERON: Mm-hm. Okay.
[redacted]: Yeah.	[redacted]: Yeah.

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CALDERON: Okay, entonces, ahm, ¿entonces nomas dio su declaración en el, al policía que habló con, con usted allí en la calle?	CALDERON: Okay, so then, uhm, you just gave your statement on, to the police officer who spoke with, with you there on the street?
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: Y luego otra vez fue a la, a la Bryant? ¿Dices?	CALDERON: And after that, at another time you went to, to Bryant? You're saying?
[redacted]: Sí, sí, me llevaron a la Bryant.	[redacted]: Yes, yes, they took me to Bryant.
CALDERON: A la Bryant	CALDERON: To Bryant.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿Y ahí habló con el mismo policía o otro policía?	CALDERON: And did you speak to the same officer there or another officer?
[redacted]: O, no, el mismo, el mismo, ese, y llegué y después me, ah, hablé con el, cómo se llama, el fiscal, el	[redacted]: Oh, no, the same one, the same one, that one, and I got there, and afterwards I, uh, I spoke to the,

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fiscal [VOCES TRASLAPAN]	what's it called, the district attorney, the district attorney [VOICE OVERLAP]
CALDERON: Ah, okay, el fiscal.	CALDERON: Uh, okay, the district attorney.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay.	CALDERON: Okay.
[redacted]: Él hablaba, él hablaba en inglés, pero--	[redacted]: He was speaking, he was speaking English, but--
CALDERON: Sí.	CALDERON: Yes.
[redacted]: Como el otro policía hablaba, él habla español, entonces él, él, cómo se llama, estuvo conmigo todo el--	[redacted]: Since the other officer was speaking, he speaks Spanish, then he, he, what do you call it, he was with me the entire--
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: explicando qué pasó, ¿ah?	[redacted]: explaining to me what had happened, right?
CALDERON: Okay.	CALDERON: Okay.

[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay, está bien, y **[20:00]** entonces, so, el policía en la calle, la 850 Bryant con el fiscal, y luego conmigo y ya, ya, ya, ¿además de esas personas, algunas otras que usted haya hablado?	CALDERON: --okay, all right, and then, so the police on the street, at 850 Bryant with the District Attorney, and then with me and then, then, then, besides these people, anybody else that you have spoken to?
[redacted]: No.	[redacted]: No.
CALDERON: ¿No? Okay. Ahm, ¿hay algo más que cree que es importante que no le haya preguntado acerca de este incidente?	CALDERON: No? Okay. Uhm, is there anything else that you believe is important that I have not asked you about the incident?
[redacted]: No.	[redacted]: No.
CALDERON: ¿No? Okay. Ahm, so, el único contacto que el sospechoso tuvo con usted fue que le	CALDERON: No? Okay. Uhm, so, the only contact that the suspect had with you is that he placed

puso el arma en el estómago?	the weapon against your stomach?
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: ¿No le tocó otra parte? ¿No lo golpeo ni nada?	CALDERON: He didn't touch any other part? He didn't hit you or anything?
[redacted]: No, no, nada.	[redacted]: No, no, nothing.
CALDERON: Okay, ahm, okay, entonces, ahm, si no hay nada más, este, voy a terminar el entrevista.	CALDERON: Okay, uhm, okay, so then, uhm, if there's nothing else, uhm, I'm going to end the interview.
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: Ajá. Okay, este, oh, le quería preguntar: cuando usted estaba allí en la calle todavía, usted dijo que atrás de un carro que no vio pero pudo escuchar. ¿Usted escuchó cuando le estaban hablando al, al, al sospechoso?	CALDERON: Aha. Okay, uhm, oh, I wanted to ask you: when you were there on the street still, you said you were behind a car and you couldn't see, but you could hear. Could you hear when they were talking to the, to the, to the suspect?

[redacted]: Sí.	[redacted]: Yes.
CALDERON: ¿Qué, qué fue lo que le decían?	CALDERON: What, what was it they were saying to him?
[redacted]: Oh, el policía estaba gritando, "get out of the car, get out of the car." No, entonces yo escuché que el oficial estaba tratando que se bajara del carro, pero él no, no obedeció pues. No, no, no, no obedeció las policías que se bajara, entonces ya, pero un rato estuvo la policía gritando así que se bajara del carro, pero, pero no, o sea, que no, no se dejó, o no sé ¿verdad?	[redacted]: Oh, the officer was yelling, "get out of the car, get out of the car." But no, so then, I heard the officer trying to get him to come out of the car, but he wouldn't, he wouldn't obey. He didn't-- didn't obey the officer and get out, so then, so the police spent some time yelling like that to get out of the car, but, but no, I mean, he wouldn't, wouldn't do it or I don't know, right?

CALDERON: Mm-jm.	CALDERON: Mm-hm.
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: Okay, y, y cuando escuchó la balacera, este, ¿cómo fue? Primero, ¿qué fue el primer ruido que escuchó usted?	CALDERON: Okay, and, and when you heard the shooting, uhm, how was it? First of all what was the first noise you heard?
[redacted]: No, yo escuché que dispararon ahí, fue grande el, el, cómo se llama, el disparo, estuve ahí es todo, yo, con miedo me quedé ahí, estaba, estaba bien, me quedé ahí nada más.	[redacted]: No, I heard the shooting there, it was big, the, the what do you call it, the shots, I remained there is all, with fear I remained there. I was, I was real, I just stayed there.
CALDERON: O sea, escuchó, este, primero, como, ¿usted pudo escuchar ¿cuál fue el primer tiro? Como cuántas balas ere cuando fue la	CALDERON: So then, uhm, first you heard, like, were you able to hear what was the first shot? Like how many shots was it the first

primera vez.	time?
[redacted]: Oh, como así fueron bastantes, fueron como, tantea como unos diez, quince así, como [ASIMULA SONIDO DE BALAS] así todo escuhé, yeah.	[redacted]: Oh, like about, it was a lot, it was like, it felt like about ten, fifteen, like so, like [SIMULATES SOUND OF SHOTS] is what I heard, yeah.
CALDERON: Ajá, ohhhh.	CALDERON: Aha, ohhhh.
[redacted]: Yeah. Yeah.	[redacted]: Yeah. Yeah.
CALDERON: ¿Pero no escuchó una, primero una, o primero dos, o algo así?	CALDERON: But you didn't hear one, first one, first two or something like that?
[redacted]: No.	[redacted]: No.
CALDERON: ¿No? Okay. ¿Solo escuchó cuando fueron de repente? I mean, ¿seguidas?	CALDERON: No? Okay. You only heard it when it was all of a sudden? I mean all in a row?
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: Okay. Okay, entonces si, entonces nomas quiero confirmar,	CALDERON: Okay. Okay, so then if, so then I just want to confirm, uhm,

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este, ¿cómo deletrea su nombre?	how do you spell your name?
[redacted]: Ah, ¿el mío?	[redacted]: Uh, mine?
CALDERON: Sí, ajá.	CALDERON: Yes, aha.
[redacted]: El mío--	[redacted]: Mine is--
CALDERON: Ajá.	CALDERON: Aha.
[redacted]: Es la [redacted]	[redacted]: It's [redacted]
CALDERON: Okay. Y, y su, ¿[redacted] es parte de su apellido o es el--	CALDERON: Okay. And, and your, [redacted] is part of your last name or is it your--
[redacted]: Es mi segundo nombre, [redacted].	[redacted]: It's my middle name, [redacted].
CALDERON: Oh, [redacted] okay y--	CALDERON: Oh, [redacted] okay and-
[redacted]: Yeah.	[redacted]: Yeah.
CALDERON: el, y el apellido es	CALDERON: the, and the last name is
[redacted] [redacted].	[redacted]: [redacted].
CALDERON: ¿Cómo lo deletrea usted?	CALDERON: How do you spell that?
[redacted]: Es la B alta, y la a, m a, y la c a.	[redacted]: It's [redacted]
CALDERON: Okay. Okay, entonces	CALDERON: Okay. Okay, so then I

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yo creo que es todo lo que necesito por ahorita, este, voy a terminar la entrevista, ahorita aquí son las 10:43 de la mañana.	believe that is all that I need for right now, uhm, I am going to end the interview, right now it's 10:43 in the morning.
[redacted]: Ajá.	[redacted]: Aha.
CALDERON: Y voy apagar la grabadora--	CALDERON: And I'm going to turn off the recorder.
[FIN DE GRABACIÓN]	**[END OF RECORDING]**

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DEPARTMENT OF POLICE ACCOUNTABILITY

STATEMENT OF [redacted]
DATE: MARC

DPA CASE NUMBER: 0097-18
POLICE INCIDENT REPORT NO: NOT INDICATED

[UI] = unintelligible [PH] = phonetic

[IA] = inaudible [TN] = translator's note

[WM] = word mispronounced

ENGLISH / SPANISH	ENGLISH / ENGLISH TRANSLATION
CALDERON: Okay, this, uhm, interview is in regards to DPA case number 0097-18 taking place on March the 9th of the year 2018, conducting this interview in Spanish is investigator Helen Calderon. The witness is [redacted]. Señor [redacted] me da permiso para grabar este entrevista? Luego me muevo aquí.	CALDERON: Okay, this, uhm, interview is in regards to DPA case number 0097-18 taking place on March the 9th of the year 2018, conducting this interview in Spanish is investigator Helen Calderon. The witness is [redacted]. Mr. [redacted] do you give me permission to record this interview? I'll move here now.
[redacted]: Sí, sí, está bien.	[redacted]: Yes, yes all right.
IVTGR: Okay, por favor,	IVTGR: Okay, please, tell me

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		dígame lo que usted vio el día, ah, del incidente que fue el, el seis de marzo. Dígame que estaba haciendo cuando notó algo.		saw the day, uh, of the incident that was on, on the sixth of March. Tell me what you were doing when you noticed something.
[redacted]	:	O sea, yo, yo aquí duermo aquí en esta cama. Duermo ahí con [redacted]	[redacted]	: I mean, I, I was sleeping here in this bed. I sleep here with [redacted]
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]	:	Y vi que la policía prendió las sirenas para detener el auto, un auto negro.	[redacted]	: And I saw that the police turned their sirens on to stop a car, a black car.
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]	:	Pero yo no, yo no pensé, yo pensé que era algo sencillo.	[redacted]	: But I didn't, I didn't think, I thought it was something simple.
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]	:	Y, pues, yo no hice, no, no tomé	[redacted]	: And, well, I didn't do, no, I didn't give

		importancia.		it any importance.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Y ya después como vi que pasó mucho tiempo me, me asomé por la ventana.	[redacted]:	And then, afterwards, since I saw that a lot of time had passed by, I, I went up to the window.
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	Y vi que, que la policía le decía a la gente que se bajara con las manos en alto.	[redacted]:	And I saw that, that the police were telling the people to get out with their hands up.
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	Y la gente no, no escuchaba.	[redacted]:	And the people weren't, weren't listening.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Y le dice, le dice la policía, dice, salgan con las manos en alto.	[redacted]:	And they say, the police say, they say, get out with your hands up.
IVTGR:	Mm-jm.	IVTGR:	Mm-hm.
[redacted]:	Salgan con las manos	[redacted]:	Come out with your

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		en alto y no. Entonces pasaron como unos, unos diez minutos haciendo el deal, el trato, haciendo el trato. Y le dice, si no sales, dice, si no sales, te vamos a tirar, dar un, un balazo para que salgas.		hands up, but no. So then some, some ten minutes went by with them trying to negotiate, make a deal, making the deal. And they say, if you don't come out, if you don't come out, we're going to shoot, we're going to, to fire a shot so you come out.
	IVTGR:	Mmmm.	IVTGR:	Mmmm.
	[redacted]:	Entonces, le tiraron un balazo, pero no a él.	[redacted]:	So then, they fired a shot, but not at him.
	IVTGR:	Ohhhh.	IVTGR:	Ohhhh.
	[redacted]:	A él le, le dieron un balazo en las llantas. Y le dijeron, o sea, eso, eso pienso que es como un warning que	[redacted]	At him they, they fired a shot at that wheels. And they said, I mean, that, I think that was like a warning that they

		le dieron, pues, para que saliera.		gave him, well, so that he'd come out.
	IVTGR:	Ajá.	IVTGR:	Aha.
	[redacted]:	Y yo le, y no, no quiso salir.	[redacted]:	And they didn't. and he, he didn't want to come out.
	IVTGR:	Okay.	IVTGR:	Okay.
	[redacted]:	Le dices, no sales, te vamos aventar más balazos. Sal por favor, enseña la mano derecha y enseñaba la mano derecha. Enseña la mano izquierda y no quería enseñarla. Y entonces él estaba atrás del baúl.	[redacted]:	They say, you don't come out and we're going to fire more shots. Come out, please, show your right hand and he would show the right hand. Show the left hand, and he didn't want to show it. And then, he was behind the trunk.
	IVTGR:	Ajá.	IVTGR:	Aha.
	[redacted]:	La cajuela. Y él levantó el baúl y disparó tres tiros.	[redacted]:	The trunk. And he opened the trunk and he fired three shots.
	IVTGR:	Ajá.	IVTGR:	Aha.

[redacted]:	Él fue el primero que disparó. Y la policía, ahí fue cuando le saltó la, la ráfaga de balas que se me hace injusto, o sea, es justo e injusto.	[redacted]:	He was the first one to shoot. And the police, that was when they unloaded the burst of bullets that appear to me to be unjust, I mean, it's just and injust.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Porque la policía no sabe qué tipo de arma trae, ¿verdad?	[redacted]:	Because the police don't know what type of weapon he has, right?
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Y, pues, injusto porque tanto, o sea, la policía no se, no se fija el, el problema que puede haber aquí en el, en el vecindario.	[redacted]:	And well, unjust because so much, I mean, the police doesn't, doesn't take into account the, the problem that can result here in the, in the neighborhood.
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	Balas perdidas que	[redacted]:	Stray bullets that

		entran, porque, incluso, allí entra un bala en, en el edificio de, de enfrente.		can go into, because, in fact, a bullet went into, into the building over there, there in front.
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]:		En la ventana, entraron.	[redacted]:	Through the window, they went in.
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]:		Y le digo, el carro me lo, me lo dañaron. Digo, yo no estaba adentro del carro. Si yo estaba adentro del carro hubiera sido peor.	[redacted]:	And I tell you, my car, they, they damaged it. I mean, I wasn't inside the car. If I had been inside the car it would've been worse.
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]:		Mi hijo estaba aquí, como que se espantó un poco. Porque se oyó muy, muy, se oyó muy--	[redacted]:	My son was here, like, he got scared a bit. Because it sounded very, very, it sounded very--
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]:		--muy exagerado, como	[redacted]:	--very exaggerated,

		que estuviera matando un, a una persona, pues, un, no se le puede llamar delin, pues un delincuente era, pues, una persona que, pues como un narcotraficante, me imagino que a los narcotraficantes los tratan así o, digo, la, la, la persona sí tuvo su error, él disparó primero.		as if they were killing a, a person, well, a, you can't call him a delin, well, he was a delinquent, well, a person who, well, like a narcotrafficker, I imagine that's how they treat narcotraffickers or, I mean, the, the, the person did err, he fired first.
	IVTGR:	Ajá.	IVTGR:	Aha.
	[redacted]:	Y, pues, él se defe, la policía se defendió, lógico, ¿verdad?	[redacted]:	And, well, he was defe, the police were defending themselves, logically, right?
	IVTGR:	Okay.	IVTGR:	Okay.
	[redacted]:	Y luego, y por eso así fue--	[redacted]:	And then, and so that's why--
	IVTGR:	Okay, entonces ¿usted	IVTGR:	Okay, so then you saw

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		vio todo esto?		all of this?
	[redacted]	Sí, yo lo vi.	[redacted]	Yes, I saw it.
	IVTGR:	¿De dónde? ¿Por dónde lo vio?	IVTGR:	From here? Where did you see it through?
	[redacted]:	Ahí.	[redacted]:	There.
	IVTGR:	Porm ¿usted está apuntando a su ven, a su ventana?	IVTGR:	Through, are you pointing at your win, you window?
	[redacted]:	Sí.	[redacted]	Yes.
	IVTGR:	Que da a la vista que vemos es directamente--	IVTGR:	That gives us a direct view to what we're seeing--
	[redacted]:	Perfecto.	[redacted]:	Perfect.
	IVTGR:	--al, al edificio 626 y donde está un, un, un, un parking garage. ¿De ahí tiene vista?	IVTGR:	--to, to the building 626 and where there is a, a, a, a parking garage. You had a view of that?
	[redacted]:	Sí.	[redacted]:	Yes.
	IVTGR:	¿Desde esta vista usted pudo ver, ah, cuando el muchacho abrió la cajuela?	IVTGR:	From this view you could see, uh, when the guy opened up the trunk?
	[redacted]:	Sí.	[redacted]:	Yes.

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IVTGR:	¿De aquí usted podía ver?	IVTGR:	You could see from here?
[redacted]:	De aquí yo vi.	[redacted]:	I saw from here.
IVTGR:	Ah, okay, y también de esta vista usted pudo ver, ah, cuando sacaba la, cuando sacó el arma?	IVTGR:	Uh, okay, and also from this view you could see, uh, when he took out the, took out the weapon?
[redacted]:	Sí. O sea--	[redacted]:	Yes. I mean--
IVTGR:	¿Lo vio de aquí?	IVTGR:	You saw it from here?
[redacted]:	Sí.	[redacted]:	Yes.
IVTGR:	Okay, entonces, este, estamos mirando--	IVTGR:	Okay, so then, uhm, we are looking at--
[redacted]:	Digo porque	[redacted]:	I'm saying because
IVTGR:	--más o menos por ¿dónde fue que estaba el carro del muchacho?	IVTGR:	--more or less where was it that the guy's car was?
[redacted]:	El, el carro del muchacho no está . . . estaba así como de, del lado.	[redacted]:	The, the guy's car was not . . . it was like to the, to the side.
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	Del lado donde el	[redacted]:	To the side of the

carro blanco, del medio, estaba así de lado porque, incluso, él no murió donde están las veladoras. Él no se [VOCES TRASLAPAN]	white car, in the middle, it was like that to the side because, in fact, he didn't die where the votives are. He did not [VOICE OVERLAP]
IVTGR: No.	IVTGR: No.
[redacted]: Él, ahí no fue.	[redacted]: He, it was not there.
IVTGR: Right.	IVTGR: Right.
[redacted]: Fue, fue más ahí donde está la, el de rojo.	[redacted] It was, it was more over there where the, the red thing is.
IVTGR: Sí, donde está el parking garage donde comienza.	IVTGR: Yes, where the parking garage is, where it begins.
[redacted]: El de rojo fue allí, allí, allí fue.	[redacted]: The red thing was there, there, it was there.
IVTGR: ¿Allí fue?	IVTGR: It was there?
[redacted]: Allí fue todo.	[redacted]: Everything was there.
IVTGR: El, el carro. Okay.	IVTGR: The, the ca. Okay.
[redacted]: Sí, allí fue el carro, le digo.	[redacted]: Yes, that's where the car was, I mean.

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IVTGR: Ajá.	IVTGR: Aha.
[redacted]: Y el carro venía de aquel lado.	[redacted]: And the car was coming from that side.
IVTGR: Sí.	IVTGR: Yes.
[redacted]: Y la policía estaba allí.	[redacted]: And the police were there.
IVTGR: ¿So, so, la cajuela daba vista a usted o la espalda? I mean, o,	IVTGR: So, so was the trunk facing you or was it to your back I mean, or
[redacted]: Del, del lado [VOCES TRASLAPAN]	[redacted]: To the, to the side [VOICE OVERLAP]
IVTGR: ¿El carro?	IVTGR: Of the car?
[redacted]: Del lado se veía. Mire--	[redacted]: You could see it to the side. Look--
IVTGR: Ah, del lado.	IVTGR: Uh, from the side.
[redacted]: Le voy a enseñar.	[redacted]: I'll show you.
IVTGR: ¿Tiene video?	IVTGR: Do you have a video?
[redacted]: Sí, digo, pero no, no, no quiero	[redacted]: Yes, I mean, but I don't, don't, I don't want--
IVTGR: Ajá.	IVTGR: Aha.
[redacted]: Yo a veces lo que no	[redacted]: At times I, what I

		quiero es meterme en problemas.		don't want is to have any trouble.
IVTGR:		No, si, si, si tiene video entonces, eh,	IVTGR:	No, yes, yes, if you have a video then, uh
[redacted]:		Mire	[redacted]:	Look
IVTGR:		Sí, lo vamos a ver, okay.	IVTGR:	Yes, we're going to see it, okay.
[redacted]:		Mire. [BACKGROUND: audio from video] Esa es la, la cajuela.	[redacted]:	Look. [BACKGROUND: audio from video] That is the, the trunk.
IVTGR:		Oh, esa es su vista, okay desde su ventana, ajá.	IVTGR:	Oh, that is your view, okay, from your window, aha.
[redacted]:		El primer tiro, el primer tiro que le tiraron.	[redacted]:	The first shot, the first shot that they fired.
IVTGR:		Sí.	IVTGR:	Yes.
[redacted]:		Y en lo que se levanta él.	[redacted]:	And while he is getting up.
IVTGR:		Ajá. [BACKGROUND: audio from video] okay. [BACKGROUND: audio from video]	IVTGR:	Aha. [BACKGROUND: audio from video] okay. [BACKGROUND: audio from video]

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[redacted]:	Mira. [BACKGROUND: audio from video]	[redacted]:	Look. [BACKGROUND: audio from video]
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Mire. Mírelo. Allí yo estaba yo. [BACKGROUND: audio from video]	[redacted]:	Look. Look at that. That's where I was. [BACKGROUND: audio from video]
IVTGR:	Ah, sí. Okay, entonces, este, ¿la vista que, que usted tiene según su video es del lado? Sí, sí se ve las manos, okay.	IVTGR:	Uh, yes. Okay, so then, uhm, the view that, that you have according to your video is from the side? Yes, yes, you can see the hands, okay.
[redacted]:	Sí, se ve, se el muchacho ahí.	[redacted]:	Yes, you can see, you can see the guy there.
IVTGR:	Ajá. Okay.	IVTGR:	Aha. Okay.
[redacted]:	Sí.	[redacted]:	Yes.
IVTGR:	¿Y esa la tomó de aquí de su ventana?	IVTGR:	And you took that from here at your window?
[redacted]:	Sí, de aquí.	[redacted]:	Yes, from here.

IVTGR:	Okay. Está bien.	IVTGR:	Okay. All right.
[redacted]:	De aquí.	[redacted]:	From here.
IVTGR:	Mm, okay, entonces, este--	IVTGR:	Mm, okay, so then, uhm--
[redacted]:	Y sí le digo, y yo pues, o sea, como estos andan investigando anyway, pues--	[redacted]:	And I will tell you, well, and I, I mean, since they are investigating this anyway, well--
IVTGR:	Sí.	IVTGR:	Yes.
[redacted]:	--fuera para que, o sea, pa' que la policía no use tanta- -	[redacted]:	--it would be so that, I mean, so that the police doesn't use so much-
IVTGR:	Tanta fuerza.	IVTGR:	So much force.
[redacted]:	--tanta fuerza.	[redacted]:	--so much force.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Para una, o sea	[redacted]:	For a, I mean.
IVTGR:	Sí.	IVTGR:	Yes.
[redacted]:	Yo creo, estoy yo, yo estoy de acuerdo, o sea, la policía, eso es su trabajo. Pero--	[redacted]:	I believe, I am, I am in agreement, I mean, the police, that is their job. But--
IVTGR:	Okay.	IVTGR:	Okay.

[redacted]:	En exceso.	[redacted]:	In excess.
IVTGR:	Quiero regresar a donde usted me dijo que, que le dieron tiempo para que se salieran del carro, ¿verdad?	IVTGR:	I want to go back to where you told me that, that they gave him time for him to get out of the car, right?
[redacted]:	No, no, no, no. No, no. Yo no estaba en el carro.	[redacted]:	No, no, no, no. No, no. I was not inside the car.
IVTGR:	No, no, no. Que la policía les daba tiempo--	IVTGR:	No, no, no. That the police was giving time--
[redacted]:	Oh, sí, sí.	[redacted]:	Oh, yes, yes.
IVTGR:	--a la gente de adentro del carro--	IVTGR:	--to the people inside the car--
[redacted]:	Sí.	[redacted]:	Yes.
IVTGR:	--que se saliera.	IVTGR:	--to come out.
[redacted]:	Sí, les dio tiempo.	[redacted]:	Yes, they gave them time.
IVTGR:	Okay, le dio tiempo. Y después usted me dijo que le dijo, que usted oyó le dijeron,	IVTGR:	Okay, they gave them time. And then you told me that they said, that you heard

		si no sales te voy, vamos a dar un balazo.		them say, if you don't come out I'm going to, we're going to fire.
[redacted]	:	Sí, y luego que se oye--	[redacted]	: Yes, and afterwards you hear--
IVTGR:		Okay. ¿Se lo dieron en inglés o español?	IVTGR:	Okay. Did they give it in English or Spanish?
[redacted]	:	En, el	[redacted]	: Uh, the
IVTGR:		Esa, esa [VOCES TRASLAPAN]	IVTGR:	That, that [VOICE OVERLAP]
[redacted]	:	¿La, la reacción? ¿La hablada?	[redacted]	: The, the reaction? The command?
IVTGR:		Sí.	IVTGR:	Yes.
[redacted]	:	En, en español.	[redacted]	: In, in Spanish.
IVTGR:		¿En -- todo fue en español?	IVTGR:	In -- was everything in Spanish?
[redacted]	:	En español y en ingles	[redacted]	: In Spanish and English.
IVTGR:		¿Los dos?	IVTGR:	Both?
[redacted]	:	Pero más era, mas español.	[redacted]	: But it was more, more in Spanish.
IVTGR:		Okay, ahm	IVTGR:	Okay, uhm

[redacted]:	Pero le digo. Pero sí le, sí le dio la warning. Usándole, no alegándoles--	[redacted]:	But I'm telling you. Yes, they did give a warning. Using, not arguing with them--
IVTGR:	Oh.	IVTGR:	Oh.
[redacted]:	--para luego, luego, no.	[redacted]:	--to do it right away, right away, no.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Porque la policía.	[redacted]:	Because the police.
IVTGR:	¿So le dieron un aviso?	IVTGR:	So they gave him a warning?
[redacted]:	O sea, la dispa, la policía disparó cuando él disparó.	[redacted]:	I mean, the, the police fired when he fired.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Porque nomás le tiraron el tiro, el tiro, pero no le tiraron a él, en la cajuela no le tiraron. Le tiraron en la llanta.	[redacted]:	Because they just fired a shot, a shot, but they did not fire at him, they did not fire at the trunk. They fired at the wheel.
IVTGR:	Okay y eso lo vio usted?	IVTGR:	Okay, and you saw that?

[redacted]:	Eso.	[redacted]:	That.
IVTGR:	Ajá. Okay, y este--	IVTGR:	Aha. Okay, and uhm--
[redacted]:	Aquí está mire, otra vez igual, mire.	[redacted]:	It's here, look, same thing again, look.
IVTGR:	No, no, está bien. Ah, okay, y--	IVTGR:	No, no, all right. Uh, okay, and--
[redacted]:	Y por eso le digo, o sea, sí estás viendo que los policía [TARTAMUDEA] pero la policía--	[redacted]:	And that's why I'm telling you, I mean, you are seeing that the police [STAMMERS] but the police--
IVTGR:	Yeah.	IVTGR:	Yeah.
[redacted]:	--hizo exceso de su autoridad.	[redacted]:	--exceeded their authority.
IVTGR:	Y alguien, y alguien, ahm, ¿quiénes vio usted que saliera del carro? ¿Vio cuando salieron las personas del carro? ¿Algunas?	IVTGR:	And someone, and someone, uhm, who did you see come out of the car? Did you see when the people came out of the car? Anyone?
[redacted]:	Eh, se, nomás, no alcancé ver muy bien.	[redacted]:	Uh, it's just that, I didn't manage to see very well.

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IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Nomás cuando salió el chofer.	[redacted]:	Just when the driver came out.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Porque el chofer	[redacted]:	Because the driver
IVTGR:	Okay, el chofer, ajá.	IVTGR:	Okay, the driver, aha.
[redacted]:	El chofer, el chofer y la mujer estaban adentro del carro cuando fue la balacera.	[redacted]:	The driver, the driver and the woman were inside the car when the shooting took place.
IVTGR:	Sí, y se vio cuando salió el, el chofer [VOCES TRASLAPAN]	IVTGR:	Yes, and did you see when the, the driver came out [VOICE OVERLAP]
[redacted]:	--el chofer así cuando [VOCES TRASLAPAN]	[redacted]:	--the driver did like so when [VOICE OVERLAP]
IVTGR:	[VOCES TRASLAPAN] primero. ¿Antes del balacera?	IVTGR:	[VOICE OVERLAP] first. Before the shooting?
[redacted]:	Sí, pero ya después no miré todo porque	[redacted]:	Yes, but afterwards I didn't see everything

		ya supe, sí, ya no pude ver nada.		because I already knew, yes, by then I couldn't see anything.
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]:		No vi, no vi como salió la mujer ni nada.	[redacted]:	I didn't see, I didn't see how the woman came out or anything.
IVTGR:		Oh, okay. ¿Pero usted sabe si la mujer estaba adentro del carro cuando la policía	IVTGR:	Oh, okay. But do you know if the woman was inside the car when the police--
[redacted]:		¿Le disparó?	[redacted]:	Fired?
IVTGR:		--le disparó	IVTGR:	--fired
[redacted]:		Sí, sí.	[redacted]:	Yes, yes.
IVTGR:		--al muchacho? ¿Todavía	IVTGR:	--at the guy? Was she still
[redacted]:		Sí.	[redacted]:	Yes.
IVTGR:		--ella estaba adentro?	IVTGR:	--inside?
[redacted]:		Los dos. Los dos. **[8:01]**	[redacted]:	Both of them. Both of them.

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IVTGR: Okay.	IVTGR: Okay.
[redacted]: Los dos.	[redacted]: Both of them.
IVTGR: Pero usted me dijo que el chofer ya había salido.	IVTGR: But you told me that the driver had already gone out.
[redacted]: No, después de la balacera fue cuando salió.	[redacted]: No, it was after the hail of bullets that he came out.
IVTGR: Oh, después de la balacera salieron los	IVTGR: Oh, after the hail of bullets they exited
[redacted]: Sí.	[redacted]: Yes.
IVTGR: Lo, la mujer	IVTGR: the, the woman
[redacted]: Sí.	[redacted]: Yes.
IVTGR: --y el hombre.	IVTGR: --and the man.
[redacted]: Sí. Porque	[redacted]: Yes.
IVTGR: Okay.	IVTGR: Okay.
[redacted]: Porque le digo, le, le dicen a la, le dice el, el que está en la cajuela, o sea, supuestamente dicen, abre la cajuela y salgan, salgan.	[redacted]: Because I'm telling you, they, they say to the, they say to the one who, who is in the trunk, I mean, supposedly they say, open the trunk and come out, come out.

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IVTGR: Oh.	IVTGR: Oh.
[redacted]: Salgan le digo, yo no entiendo ni como venía en la cajuela. No sé yo.	[redacted]: Come out, I mean, I don't even understand how he was in the trunk. I don't know.
IVTGR: Oh.	IVTGR: Oh.
[redacted]: Pero supuestamente ellos ya venían, ya los habían reportado. No sé.	[redacted]: But supposedly they were already on the way, they had already been reported. I don't know.
IVTGR: Okay.	IVTGR: Okay.
[redacted]: Eso sí no sé, si así es cierto.	[redacted]: That I don't know, if that's the case.
IVTGR: Okay.	IVTGR: Okay.
[redacted]: Que lo habían reportado que habían, que andaban robando.	[redacted]: --that they had been reported for, for robbery.
IVTGR: Sí, okay.	IVTGR: Yes, okay.
[redacted]: Y por eso la policía los, los, los detectó	[redacted]: And that's how they, they, the police detected them.
IVTGR: Mm-jm.	IVTGR: Mm-hm.
[redacted]: Y después fue que le,	[redacted]: And afterwards was

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		que los, que los detuvo. Y nunca, porque usualmente la policía cuando para uno--		when they, that they, that they detained them. And never, because, usually, when the police stops someone--
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]:		--la policía habla directamente con uno.	[redacted]:	--the police talks directly with them.
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]:		Cuando hace, cuando es, cuando es, cuando es un	[redacted]:	When they make, when it's, when it's, when it's a
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]:		Una falta de tránsito. Eso es.	[redacted]:	a traffic infraction. That's what they do.
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]:		Pero como eso, y ya, ellos ya, ya los habían reportado, la policía no fue directamente con ellos. La policía les dijo desde, desde	[redacted]:	But since that, and then, they had, they had already been reported, the police did not go directly to them. The police told them from, from

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		atrás.		further back.
IVTGR:		Ajá. Okay. Este, cuando usted estaba viendo por la ventana, ¿usted vio cuántos policías estaban?	IVTGR:	Aha. Okay. Uhm, when you were looking through the window, did you see how many police officers were there?
[redacted]	:	No, no alcancé yo a ver.	[redacted]	: No, I didn't manage to see.
IVTGR:		Oh, okay.	IVTGR:	Oh, okay.
[redacted]	:	Es que como las policías, los policías estaban de este lado.	[redacted]	: It's because, since the police, since the police were along this side.
IVTGR:		Oh, ¿de este lado?	IVTGR:	Oh, from this side?
[redacted]	:	Sí.	[redacted]	: Yes.
IVTGR:		De su calle	IVTGR:	From your streets
[redacted]	:	Sí.	[redacted]	: Yes.
IVTGR:		Donde estás, su--	IVTGR:	Where you are, your--
[redacted]	:	Sí.	[redacted]	: Yes.
IVTGR:		--apartamento	IVTGR:	--apartment.
[redacted]	:	Sí, o sea, yo más vi lo, lo de ahí, donde, donde estaba	[redacted]	: Yes, I mean, I mostly saw the, the thing there, where, where

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IVTGR: Oh, okay, okay.	IVTGR: Oh, okay, okay.
[redacted]: --el carro. Pero los policías--	[redacted]: --the car was. But the police--
IVTGR: So estaban de este lado--	IVTGR: So they were along this side--
[redacted]: Sí.	[redacted]: Yes.
IVTGR: --cuando dispararon. No estaban en frente.	IVTGR: --when they fired. They were not in front.
[redacted]: Sí.	[redacted]: Yes.
IVTGR: ¿Oh también?	IVTGR: Or as well?
[redacted]: Estaban, o sea, estaban, estaban todo alrededor.	[redacted]: They were, I mean, they were, they were all around.
IVTGR: Okay.	IVTGR: Okay.
[redacted]: Estaban todo, todo al rededor	[redacted]: They were all, they were all around.
IVTGR: Okay.	IVTGR: Okay.
[redacted]: Pero yo no	[redacted]: But I didn't
IVTGR: Okay.	IVTGR: Okay.
[redacted]: Yo prati, prácticamente no vi los policías ni cuando los policías	[redacted]: I practi, practically did not see the police when the police fired, I don't

			dispararon, no sé.	know.
IVTGR:		Okay.	Okay.	
[redacted]:		Eso sí, no.	For sure, no.	
IVTGR:		Okay. Ajá.	Okay. Aha.	
[redacted]:		Lo único que vi fue cuando a él le dispararon. Pero él fue, a él le dispararon, y vuelvo a repetir, a él le dispararon porque él soltó tres disparos.	The only thing I saw was when they fired at him. But he was the one, they shot him, but I will repeat anew, they fired at him because he fired three shots.	
IVTGR:		Okay.	Okay.	
[redacted]:		No sé los, si esos tres disparos, o sea, le metieron a un policía o no.	I don't know the, if those three shots, I mean, hit a police officer or not.	
IVTGR:		Okay.	Okay.	
[redacted]:		Si lo mata a un policía, pues, imagínese. Ahorita estuviera, anduvieran haciendo mas, mas escandalo.	If he had killed a police officer, just imagine. Right now there would be, there would even be more, more of a scandal.	

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IVTGR:	Mm-jm. Okay. Okay, algo más que usted crea que es importante que no le haya preguntado acerca de, del incidente?	IVTGR:	Mm-hm. Okay. Okay, anything else that you believe is important that I haven't asked you regarding the, the incident?
[redacted]:	No, pues lo único que yo quiero, pues, no sé que, que la policía no, no, no abuse tanto de su autoridad.	[redacted]:	No, well, the only thing I want, well, I don't know, that, that the police not, not, not abuse their authority so much.
IVTGR:	Mm-jm. Okay, está bien.	IVTGR:	Mm-hm. Okay, all right.
[redacted]:	Porque bueno dicen que es lo mismo una bala 35 balas. Pero para la persona sí, pero para el vecindario--	[redacted]:	Because, as they say, one bullet is the same as 35. For the individual, yes, but for the neighborhood--
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	donde, donde lo están haciendo	[redacted]:	--where, where they are doing this--

IVTGR:	Sí.	IVTGR:	Yes.
[redacted]:	--es muy peligroso.	[redacted]:	--it's very dangerous.
IVTGR:	¿Y, y ese día dónde estaba estacionado su coche?	IVTGR:	And, and, that day, where was your car parked?
[redacted]:	Allí donde está ahorita.	[redacted]:	There, where it is right now.
IVTGR:	Okay, so en frente a la vista de su, en frente de su apartamento?	IVTGR:	Okay, so in front of the view of your, in front of your apartment?
[redacted]:	En frente, sí, allí.	[redacted]:	In front, yes, there.
IVTGR:	¿Y qué ocurrió a su, a su coche?	IVTGR:	And what happened to your, your car?
[redacted]:	Le, le dieron un, le entró una bala en la puerta.	[redacted]:	They, they fired a, a bullet went through the door.
IVTGR:	¿Le entró una bala a la puerta? Okay. Entonces, además de hablar conmigo, ¿usted habló con otra persona--	IVTGR:	A bullet went through the door? Okay. So then, besides talking to me, have you spoken to any other person--

[redacted]:	No, no--	[redacted]:	No, no--
IVTGR:	--acerca de este incidente?	IVTGR:	--about this incident?
[redacted]:	--nomas he hablado con las, con las noticias, pero no, no he echado ningún, o sea, no he querido que me graben ni nada.	[redacted]:	--I've only spoken the the, to the news. But no, I haven't made any, I mean, I haven't wanted that they film me or anything.
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	No quiero nomás	[redacted]:	I don't want any
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Es un puro, como puro comentario	[redacted]:	It's like pure, like pure commentary.
IVTGR:	¿Pero nadie, nadie le ha tomado un entrevista?	IVTGR:	But nobody, nobody has taken your interview?
[redacted]:	No, no, no, nadie.	[redacted]:	No, no, no, nobody.
IVTGR:	¿Nadie?	IVTGR:	Nobody?
[redacted]:	No.	[redacted]:	No.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Le digo, no quiero le digo, porque--	[redacted]:	I mean, I don't want to because, I'm

				saying--
IVTGR:	¿Y no ha hecho nada acerca de su carro hasta ahorita?	IVTGR:	And you haven't done anything regarding your car yet?
[redacted]:	Este, pues he estado ahorita como indicándome con mi seguranza.	[redacted]:	Uhm, well lately I've been in communication with my insurance Company.
IVTGR:	Oh, okay.	IVTGR:	Oh, okay.
[redacted]:	Con mi seguranza, le digo.	[redacted]:	With my insurance company, I mean.
IVTGR:	Sí.	IVTGR:	Yes.
[redacted]:	Pero mi seguranza es la que, la que ahorita me está, le estoy diciendo yo, incluso ahorita la acabo de llamarla.	[redacted]:	But my insurance company is the one who, who right now is, I'm telling them that I, in fact, I just finished calling them.
IVTGR:	Oh, okay.	IVTGR:	Oh, okay.
[redacted]:	Le digo, sabes qué, le digo.	[redacted]:	I say, you know what, I say.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Y si mi carro no	[redacted]:	And if my car was not

		funcionara, si mi carro, le digo a mi carro le entra el aire por el hoyo que le dejó la bala, le digo y, oh, dice que tenemos que mejor investigar, pero es que		working, if my car, I mean, my car has air going through it through a hole that was left from a bullet, I say, and, oh, they say they have to investigate it, but the thing is
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]	:	qué más vas a investigar	[redacted]	: --what else do they have to investigate.
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]	:	Y supuestamente también dicen que, que yo tengo que pagar cien dólares. Le digo [TARTAMUDEA]	[redacted]	: And supposedly they also say that, that I have to pay one-hundred dollars. I say [STAMMERS]
IVTGR:		Oh	IVTGR:	Oh
[redacted]	:	Le digo supuestamente ustedes tienen que hacer el, el deal con la ciudad porque la ciudad fue el que me	[redacted]	: I say, supposedly you guys are the ones who have to make the, the deal with the city because the city was

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		fregó el carro. No, yo no hice nada. Yo, yo estaba ahí parado nada más.		the one who messed up my car. No, I didn't do anything. I, I was only standing there.
IVTGR:		Okay. Y además usted, ¿usted sabe si alguien más de, de este apartamento vio el incidente?	IVTGR:	Okay. And besides that, do you, do you know if anyone else from, from the apartments saw the incident?
[redacted]	:	No, yo fui, yo solo porque	[redacted]	: No, I was, just me because
IVTGR:		Usted solo	IVTGR:	Only you
[redacted]	:	Yo fui el que estaba aquí durmiendo.	[redacted]	: I was the one sleeping here.
IVTGR:		Okay	IVTGR:	Okay.
[redacted]	:	Digo, y aquí	[redacted]	: I mean, and here
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]	:	y aquí estaba, estaba yo dormido aquí con mi hijo, le digo cuando	[redacted]	: I was here, I was asleep here with my son, I mean, when
IVTGR:		Ajá.	IVTGR:	Aha.
[redacted]	:	Cuando sucedió	[redacted]	: when all of that

IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	todo eso le digo por	[redacted]:	happened, I mean,
IVTGR:	Y hasta que tiempo quedó mirando usted allá afuera?	IVTGR:	And until what time did you keep looking outside there?
[redacted]:	Como, después de que mataban a la persona.	[redacted]:	Like, after they killed the person.
IVTGR:	Okay.	IVTGR:	Okay.
[redacted]:	Ya después, este, llegaron los investigadores allá después digo, todo--	[redacted]:	Then afterwards, uhm, the investigators showed up there afterwards, I mean and everything--
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	bueno, mas verdad que prácticamente--	[redacted]:	well, the truth is that practically--
IVTGR:	Sí.	IVTGR:	Yes.
[redacted]:	o sea, no puedo dormir--	[redacted]:	I mean, I couldn't sleep--
IVTGR:	Sí.	IVTGR:	Yes.
[redacted]:	--porque pusieron una lámpara ahí grandotota	[redacted]:	--because they placed this enormous light there
IVTGR:	Oh okay.	IVTGR:	Oh, okay.

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[redacted]:	Para luxar todo.	[redacted]:	To light everything up.
IVTGR:	Sí.	IVTGR:	Yes.
[redacted]:	Y mi, mi esposa venía de trabajar	[redacted]:	And my, my wife was coming from work.
IVTGR:	Ajá.	IVTGR:	Aha.
[redacted]:	Y no la dejaron tampoco entrar y ella hasta la cinco de la mañana--	[redacted]:	And they didn't let her come in either, not until five in the morning--
IVTGR:	Ohhhh, de la mañana.	IVTGR:	Ohhhh, in the morning.
[redacted]:	--la dejaron entrar. **[12:02]**	[redacted]:	--did they let her come in.
IVTGR:	Oh, y que horas--	IVTGR:	Oh, and at what time--
[redacted]:	Y eso es injusto	[redacted]:	And that is unjust.
IVTGR:	--ella trató de entrar?	IVTGR:	--she tried to come in.
[redacted]:	A las once de la noche.	[redacted]:	At eleven o'clock at night.
IVTGR:	Y ya había ocurrido todo esto?	IVTGR:	And all of this had already occurred?
[redacted]:	Ya había ocurrido	[redacted]:	All of this had

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eso.	occurred.
IVTGR: Ahhh, okay.	IVTGR: Ahhh, okay.
[redacted]: Es injusto que la gente que está viviendo en el vecindario tiene que venir a descansar, a traba--	[redacted]: It is unjust that the people who are living in the neighborhood who have to come home and rest, to work--
IVTGR: Ajá.	IVTGR: Aha.
[redacted]: --porque así tienen que trabajar.	[redacted]: --because that I show they have to work.
IVTGR: ¿Entonces ella estaba allá afuera desde las once?	IVTGR: So then she was out there since eleven o'clock?
[redacted]: Desde las once hasta las cinco de la mañana.	[redacted]: From eleven [PM] until five o'clock in the morning.
IVTGR: Oh, wow. ¿No la dejaron pasar?	IVTGR: Oh, wow. They didn't let her pass by?
[redacted]: No, no. Y eso se me hace injusto porque tú, tú, a veces dices, sabes qué, para lo que, por eso	[redacted]: No, no. And that seems unjust to me because you, you, at times one says, you know what, in order

		dicen, dicen que, que es un crimen. Okay, yo entiendo que es un crimen.		that, that's why they say, they say that, that it's a crime. Okay, I understand that it's a crime.
IVTGR:		Okay.	IVTGR:	Okay.
[redacted]:		Pero	[redacted]:	But
IVTGR:		Ajá. Okay, entonces, este, ¿algo más que creas que es importante antes de que yo termine el entrevista?	IVTGR:	Aha. Okay, so then, uhm, anything else that you believe might be important before I finish up this interview?
[redacted]:		No, pues	[redacted]:	No, well
IVTGR:		Si, si le ocurre algo podemos, me puede llamar o yo le puedo	IVTGR:	If, if anything occurs to you, we can, you can call me or I can
[redacted]:		No pues solo, solamente, eso, decirle, o sea, pues, prácticamente, o sea, prácticamente aquí con la, lo que es	[redacted]:	No, well, just, only that, that, to say that, I mean, well, practically, I mean, practically here with the, what is here in

		aquí en este país y en todos países de uno, uno nunca le va a ganar a las autoridades. Las autoridades siempre van a tener la razón, siempre. Prácticamente uno no, no, no nunca le va decir . . . le, le, le digo, ellos, ellos, ellos no se fijan en el peligro que uno, que uno, tanta gente que hay aquí alrededor.		this country and all countries one comes from, one is never going to win against the authorities. The authorities are always going to be right, always. Practically speaking, one is not, not, one is never going to say, what . . . I'm, I'm, I'm saying that they, they, they don't take notice of the danger with, with, with so many people all around.
	IVTGR:	Okay.	IVTGR:	Okay.
	[redacted]:	Fuera un lugar donde estuviera	[redacted]:	If it was a place that was
	IVTGR:	Mmm	IVTGR:	Mmm
	[redacted]:	desplobado, yo acepto. Pero estando	[redacted]:	--unpopulated, I would accept it. But

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en un lugar que, ese es el ejemplo que, eso es tan buen mal ejemplo.	being in a place that, this is the example that, it's such a bad example
IVTGR: Okay.	IVTGR: Okay.
[redacted]: Sí. ¿Cómo ve?	[redacted]: Yes. What do you think?
IVTGR: Muchas gracias por su tiempo. Voy a, uh, the interview is now concluded. The time is now 11:18 a.m.	IVTGR: Thank you very much for your time. I'm going to, uh, the interview is now concluded. The time is now 11:18 a.m.
[FIN DE GRABACIÓN]	**[END OF RECORDING]**

DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: [redacted]

DATE OF INTERVIEW: 05/02/2019

TRANSLATOR: Okay, yeah, [UNINTELLIGIBLE], I need to talk right now or--

INV. MATT STONECIPHER: Oh, no. I'll speak right now. Uh, this interview is in regards to DPA Case Number 0097-18.

TRANSLATOR: [SPANISH]

INV. STONECIPHER: This is Investigator Matt Stonecipher with the Department of Police Accountability.

TRANSLATOR: [SPANISH]

INV. STONECIPHER: I'm on the phone with [redacted]. [redacted], will you please spell your first and last name for the record?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Yes, my name is [redacted].

INV. STONECIPHER: Okay. Could you please spell it?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: You know, it's [redacted] as in [redacted]. [redacted] is [redacted] as in [UNINTELLIGIBLE].

INV. STONECIPHER: [redacted], do you understand that I'm recording our conversation?

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TRANSLATOR: [SPANISH]

[redacted]: Si.

TRANSLATOR: Yes.

INV. STONECIPHER: And do I have your permission to record this conversation?

TRANSLATOR: [SPANISH]

[redacted]: Si, [SPANISH].

TRANSLATOR: Yes, that's fine.

INV. STONECIPHER: This interview is taking place on March 2nd, 2019 at 10 a.m.

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, the incident was on March 6th.

INV. STONECIPHER: Right. I understand. But for the record I have to state--say the date and time that this interview's being recorded.

TRANSLATOR: [SPANISH]

[redacted]: Oh, okay.

INV. STONECIPHER: And this--and this interview is in regards to an incident that took place at--between 21st and Capp on March 6th of 2018.

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Yes, perfect.

INV. STONECIPHER: Okay. So [redacted], why don't you tell me from start to finish what happened and what you saw.

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

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TRANSLATOR: Yeah, well, [redacted]. And I hear like the sound from police car.

[redacted]: [SPANISH]

TRANSLATOR: Well, there was three guys in the car and the police stopped the car and--and told them that they needed to get out the car with their hands up. But they refused to do that. And I don't know how, but one of the guys went to the trunk, um, when the police officer gave him the warning and say that they needs to get out of the car. If they--if he doesn't get out of the car, they will shoot. He refused to get out of the car so they shoot one bullet. And after that when they opened the trunk, this guy shoot--shoot to the police officer first.

INV. STONECIPHER: Okay. So [redacted], where were you standing when you viewed this incident? Where were you?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: No, I was in--in my apartment. And where I live. And I was watching everything over my window.

INV. STONECIPHER: Okay. Okay, [redacted], if you had to approximate, how far away do you think you were from the incident?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: I was like around 30 meters.

INV. STONECIPHER: Okay. And could you, [redacted], describe the lighting conditions that day of the incident? What were the lighting conditions like?

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TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, it was not too lighted but it was not too dark. I can see perfectly because the police officer--officer is use own flashlight. We can see perfectly when the police officer is shoot and the bullets went to my house also and I received a bullet on my--on my car. A bullet on my car.

INV. STONECIPHER: Okay, so [redacted], I just want to make sure I'm understanding you correctly. You said one of the bullets entered your house. Is that correct?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Yes. In the door of the main entrance.

INV. STONECIPHER: Okay. The door of the main entrance to your--to your apartment?

TRANSLATOR: [SPANISH]

[redacted]: Si.

TRANSLATOR: Yes.

[redacted]: [SPANISH]

TRANSLATOR: Yes, and there--there was another bullet that hit my car also.

INV. STONECIPHER: Okay. Where was your car parked, [redacted]?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, when the police officer shoot, one of the bullets hit my car. I think that maybe it was like a rebound and the other bullet hit my door.

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INV. STONECIPHER: Okay. But again, where was your car parked in relation to the incident?

TRANSLATOR: [SPANISH]

INV. STONECIPHER: Let me clarify that. So how far away was your car from the car that the police officers stopped, if that makes sense?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, the car was parked in my driveway in the front of the house. The police was in the front, like 30 meters away from--where the car was parked.

INV. STONECIPHER: Okay. And [redacted], where--where were you currently residing when this incident happened? Your address?

TRANSLATOR: Okay. [SPANISH]

[redacted]: [SPANISH] Capp Street, San Francisco, California [SPANISH].

TRANSLATOR: I was living in [redacted]

INV. STONECIPHER: Okay. Do you still live there now?

TRANSLATOR: [SPANISH]

[redacted]: Si.

TRANSLATOR: Yes.

INV. STONECIPHER: Okay. I'm just taking notes right now so if you hear any pauses that why.

TRANSLATOR: [SPANISH]

[redacted]: Okay.

INV. STONECIPHER: Okay. Now, [redacted], when you were--can

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you just describe for me your apartment? Are you on like the--like ground level? Are you on the second floor? How would you describe where your apartment's located?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, the building where I live, if you need the have six apartment, I live in the first apartment.

INV. STONECIPHER: Okay. But again, is that on the ground level? Is that on the second floor? The third floor? If that--you know, got to be more specific.

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, let me make that correction. I live in a building that have six apartment. It's a building with three floors. And each floor have two apartments. And I live in the first floor.

INV. STONECIPHER: Okay. Okay, so you said a bullet came into your apartment. How did it enter your apartment? Did it go through--well, I'm sorry. Just how did it enter your apartment? What did it enter in before hitting the door, if that makes sense?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, let me tell you that the bullet was like stuck in the main--in the door in front of the main entrance from the building. It's not like going inside the apartment. It was--that bullet hit the door.

INV. STONECIPHER: Okay. So, oh, I get it. I under--so

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the main entrance to your apartment building, not your individual apartment. Is that correct?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: No. The other one hit my car also.

INV. STONECIPHER: Okay, okay. So your view of this whole incident, was it ever impeded at any point?

TRANSLATOR: This is the interpreter. May I have a repetition again?

INV. STONECIPHER: Yeah. So I'm asking him his view of the incident, if it was ever impeded at any point, so if it was ever obstructed or how clear of a view did he have. Does that make sense?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, I--I don't understand what you mean, if that incident obstructed.

INV. STONECIPHER: Okay. So--let me try to be more specific here. So when you're looking at the incident, was there like anything that would have been in the way of you looking at, I guess, the vehicle involved? So, like a tree or a bush, or maybe another car, something like that. Does that make sense?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, no, I--well, yes, I was able to see the car but--after the incident happened, the police officer went to my apartment and knocked the door and they gave me the

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report. [redacted]

[redacted]

INV. STONECIPHER: Okay. So could you talk to me about that exchange you had with the officers? What did the officers say and what did you say to them?

TRANSLATOR: [SPANISH]

LOPEZ: [SPANISH]

TRANSLATOR: Well, they only knocked my door and they gave me the report about what happened and they noted that my car was damaged.

INV. STONECIPHER: Okay. Okay, so let's go back to the incident. As--the car that got stopped by the officers, can you describe--did they give any warnings to the person in the trunk of the car? What were the commands they were giving him?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, they say, "Get out of the car with the hands up, please." They give their command and give him like a few moments, waiting that he was getting out. They say in English and in Spanish. They say the--if he doesn't get out of the car, they will shoot the car. After that they wait for a moment and they--the police officer shoot one time to the car and after awhile this guy opened the trunk and they start shooting. And that was when the officer shooting back. And he was done.

INV. STONECIPHER: Okay, so [redacted], that first shot that the officers fired at the person in the trunk, can you describe that for me? What did it sound like?

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TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, I didn't see who was the officer who shoot the gun. But I hear everything because I--I see the car and they were talking with the speaker giving the commands. But in my own view, well, the officer, I mean, was in the same direction. One of the officer. And in my own view--the officer do the right job.

INV. STONECIPHER: Okay, but again, I'm asking, describe--can you just describe the sounds you heard when you saw that--when officers fired that first shot. Again, before--before he opened the trunk.

TRANSLATOR: This is the interpreter. May I have a repetition what you said?

INV. STONECIPHER: Yeah, yeah. Just--I'm trying to ask him to--to describe the sound of the shot he heard. How would he describe it? If that makes any sense. This is the shot before the individual in the trunk opened the trunk.

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, it was like a regular shot. The sound of the shot.

INV. STONECIPHER: Okay. All right. And let's go back to the commands that was given to the person in the trunk. [redacted], were you able to understand--granted you're witnessing the incident, but were you able to understand those commands that were being said in Spanish?

TRANSLATOR: [SPANISH]

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[redacted]: Perfecto.

TRANSLATOR: Yes. Perfectly.

INV. STONECIPHER: Okay. Did you find--was there--did you find any issue with how the commands in Spanish were being said to the individual?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, it was a clear command. I can hear perfectly. I hear that was like a female voice.

INV. STONECIPHER: Okay. Okay. [redacted], can you describe how the officer--the formation of the officers were standing in relation to the car. Was it--so to be more specific, would you describe it as like a straight line or how would you describe it? How all the officers were positioned?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, as I mentioned before, I was able to see the car from those guy. But I was unable to see perfectly the officers. And the--I see the--the police car, the patrol--the patrols. The police car was like 20 meters away from this car.

INV. STONECIPHER: Okay, okay. [redacted], if you had to approximate, how long do you think they were giving the individual in the trunk commands for?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

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TRANSLATOR: Well, that happened and take like four or five minutes.

INV. STONECIPHER: And how long would you approximate the whole incident lasted for?

TRANSLATOR: This is the interpreter. May I have a repetition of the last question again?

INV. STONECIPHER: Yeah. How long do you think this whole incident lasted for, approximately? Start to finish.

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, the incident until they shoot to the guy and [finish him], I would say like 15 minutes. But after that they close the street and some investigator came. Well, I [redacted] because they didn't let me go out until they finished an investigation.

INV. STONECIPHER: Okay. So I know you said earlier you spoke to an officer about your car being struck with gunfire, but other than that officer, were you interviewed by anyone else regarding this incident?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: No. Never.

INV. STONECIPHER: Okay. [redacted], do you know anyone else that may have witnessed this incident?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: No, to be honest, no.

INV. STONECIPHER: Okay. [redacted], finally, just wrapping

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up here, do you think--is there anything else you think should be noted regarding this incident?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: [redacted]

INV. STONECIPHER: Okay. I understand. And one final question and I'll let you go. I appreciate you taking the time and speaking with me. As soon as the gunfire started, what did you do? What was your response?

TRANSLATOR: I don't [UNINTELLIGIBLE]. I wasn't able to [UNINTELLIGIBLE]. May I have a repetition, please?

INV. STONECIPHER: Yeah. So as soon as he saw and heard the gunfire, what did--what did you do? How did you respond to that?

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, the shoot was too fast. That happened like in ten seconds and all the officers shoot against this guy. Well, I was asking, well, what's going on but that was really fast.

INV. STONECIPHER: Okay. All right. I guess I should probably clarify. So when--were you still watching the entire incident when the gunfire happened or did you turn away at any point?

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TRANSLATOR: [SPANISH]

[redacted]: Si.

TRANSLATOR: Yes.

INV. STONECIPHER: Okay. All right. So, again, just clarify that. So did you see the entire incident? I mean--I'm sorry. Let's clarify that. So when the gunfire started, you're saying--again, you're saying that you saw the entire incident. You did not turn away? I just want to make sure that I'm understanding you correctly.

TRANSLATOR: [SPANISH]

[redacted]: [SPANISH]

TRANSLATOR: Well, no, I was watching. I watch everything. But I didn't concern that they were going to make shoot--so many shots. I keep watching.

INV. STONECIPHER: Okay. All right. Well, I don't have any more questions. The interview is concluded. The official time is 10:28 a.m.

TRANSLATOR: [SPANISH]

[redacted]: Okay.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: [redacted]

DATE OF INTERVIEW: 05/15/2019

INV. MATT STONECIPHER: This interview is regards to DPA Case Number 0097-18. This is Investigator Matt Stonecipher with the Department of Police Accountability. I'm on the phone with [redacted]. [redacted], can you please spell your first and last name for the record?

[redacted]: [redacted]

INV. STONECIPHER: [redacted], do you understand that I'm recording our conversation?

[redacted]: I do.

INV. STONECIPHER: And do I have your permission to record this conversation?

[redacted]: You do.

INV. STONECIPHER: This interview is taking place on March 15th, 2019 at 9:15 a.m. and is about an incident that took place on March 6th, 2018 at 21st and Capp Street. So [redacted], why don't you just tell me start to finish what you recall about that incident?

[redacted]: I was in the back side of my house and had noticed that there were police--a lot of police lights I could see through the windows so I walked into the front rooms that overlook Capp Street and I saw a car just to the left side and

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beneath my bay windows. And then a number of police cars and policemen in a semi-circle around the car. I can't remember if initially the guns were drawn. I believe that they were, but there was some shouting and talking going on in English. And then over some kind of speaker system in both English and Spanish. I saw an individual get out of the car and the police took that individual away. And that went on for--the speaker with the English and the Spanish went on for I would say several minutes longer and then there was some movement in the car and then a lot of shooting from the policemen.

INV. STONECIPHER: Okay. All right, [redacted], so I got some follow-up questions for you. So how--if you had approximately, how close you were--how close were you to this incident?

[redacted]: Essentially right above it but slightly to the left so the car was parked, I would say one building length away from me or one parking lot away from me. There's a parking lot between my house and the next building and the car was just behind that parking lot and my bay window sits all the way to the left side of my house, so I was essentially one floor above it, looking down on it.

INV. STONECIPHER: Okay. And just to clarify again, [redacted], what was--where were you residing at the time of this incident? What's y our address?

[redacted]: [redacted].

INV. STONECIPHER: Okay. Now, [redacted], when you were viewing this incident, you were viewing it out of your window, is that correct?

[redacted]: Correct.

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INV. STONECIPHER: Okay. Now was there anything obstructing your view of the incident at all? Like a tree or anything in the way?

[redacted]: No, nothing.

INV. STONECIPHER: Okay. Okay. And [redacted], can you just describe the lighting conditions during the incident? What were the lighting conditions like?

[redacted]: Well, it was dark outside and they had the normal street lights on. I was in a dark room so I had a--I guess a pretty good view of the normal light view from a--you know, from an interior window.

INV. STONECIPHER: Hm-hmm. Okay. And do you remember what the--what commands they were giving the person in the trunk?

[redacted]: "Get out of the car," I remember. "We will shoot," I think. It's been a year so I can't remember exactly what was being said. I mean, and there was--you know, it--initially sort of with people, policemen talking or yelling at generally and then the [UNINTELLIGIBLE] was coming over a speaker so to be honest I think it was hard to know exactly what was being said.

INV. STONECIPHER: Okay.

[redacted]: And it's hard to remember now.

INV. STONECIPHER: Right.

[redacted]: It was definitely warnings to get out or, you know, or there might be--they might have to shoot.

INV. STONECIPHER: Okay. So, [redacted], could you describe your view of the trunk of the vehicle? Could you see into the

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trunk?

[redacted]: I could not. So that nose of the car was [UNINTELLIGIBLE] my window so the trunk was the furthest away so I couldn't and it was parked sort of perpendicular to my window so I could not see the trunk.

INV. STONECIPHER: Okay. All right. Okay. And how would you describe the formation of how the officers were standing in relation to that vehicle?

[redacted]: I remember it being, you know, loosely a semi-circle.

INV. STONECIPHER: Okay. Okay, and [redacted], what caused those officers to shoot?

[redacted]: I don't know.

INV. STONECIPHER: Okay.

[redacted]: I heard a noise. I heard a sound. You know, one sound and then--then a lot more sounds so that--I know that aurally I heard that but I didn't see what caused them to shoot.

INV. STONECIPHER: Okay. Can you describe what that first sound sounded like?

[redacted]: It's really so long, I can't. I mean, once gunfire starts, it all just sort of sounds like popping so--

INV. STONECIPHER: Okay. Okay. Okay, and talk to me--all right, so when the officers were shooting, could you tell if the officers were moving when they were shooting? Any of them?

[redacted]: I--yeah, if they were, it was not extensively but it--you know, it happened so fast, I can't say that I saw them all or could tell you whether they moved at all. I don't have a recollection of them moving in a substantial way.

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INV. STONECIPHER: All right. Okay, and so [redacted], talk to me--what did you see after? All right, so the shooting--after the shooting stopped, what happened next? What did you see happen next?

[redacted]: Oh, gosh. I will be honest. I can't remember. I mean, it was--to be--to be really frank with you, when--when you see something like that, you're kind of so shocked that I think after the shooting I probably for a few minutes just kind of ducked and got very nervous about what I just saw.

INV. STONECIPHER: Hm-hmm. Right. What about this, [redacted]? When you were watching the incident, when the gunfire started, would--did you--were you looking still at the vehicle, at the incident or at any time did you turn away?

[UNINTELLIGIBLE]

[redacted]: I--yeah, I definitely ducked. I don't know if I turned away. But I realized at that moment that I was standing in floor-to-ceiling bay windows with shooting going on so I definitely moved and ducked. My dog was with me and so I definitely made a movement and I would say that I probably lost sight of the car while I did that.

INV. STONECIPHER: Okay. And, [redacted], where is--are you aware--were any--were any people in your apartment building affected by any of the gunfire, any rounds go into their apartments?

[redacted]: I don't live in an apartment. I live in a house.

INV. STONECIPHER: Oh, I'm sorry. In your house. My apologies. So I'm--let me ask you this. Did--did any rounds go into your house at all?

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[redacted]: We have one bullet hole in our house.

INV. STONECIPHER: Okay. Okay, did you speak to any officers about that?

[redacted]: The bullet hole? I think I spoke to y our colleagues about that.

INV. STONECIPHER: Okay. But did you talk to any SFPD officers on the day of the incident or like a day after?

[redacted]: You know, I talked to SFPD officers that night but that was because my partner was trying to get home and they wouldn't let him home so I didn't see the bullet hole until your colleagues came the next day. That night it was all about wanting to get my partner home and they were--would not let him come home.

INV. STONECIPHER: Okay. And [redacted], who is your partner?

[redacted].

INV. STONECIPHER: Okay. Okay. And where was this bullet hole located?

[redacted]: [redacted]

INV. STONECIPHER: Okay. Okay. And did any SFPD officers give you like any like follow-up forms or anything like that, a Case Number, or anything?

[redacted]: Someone gave me a Case Number, I think. I don't remember if it was your colleague--I had--there were people in

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our front door all night. And there were definitely some detectives who spoke to me that night. I can't remember if they gave me the Case Number or if your colleagues gave me the Case Number or card.

INV. STONECIPHER: Okay. And then other than the detectives and our agency, DPA, did you speak to anyone else from any other outside agencies?

[redacted]: No. I spoke to some of the patrolmen who were there but, again, that was mostly about figuring out whether my partner could come home.

INV. STONECIPHER: Okay. And, [redacted], do you know any other--did you speak to any other neighbors who saw the incident?

[redacted]: Not at length about the--not at length, no. I mean, some of my neighbors across the street were outside watching it so I think in passing but nothing in length. I may have seen some of them at the town hall that happened a week or so, or a few weeks later and--but certainly didn't have a conversation about exactly what we saw.

INV. STONECIPHER: Okay. So you went to the town hall then that followed the incident?

[redacted]: Hm-hmm. I did. Part of it.

INV. STONECIPHER: Okay. And do you remember which neighbors that you spoke to about that?

[redacted]: Yeah. I--I can't remember who was there that night. So my neighbor across the street. I'm not gonna remember his name. I have it in my phone and I could look and try to get it for you if I can remember where it is. But he's

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basically directly across the street. I think he's in [redacted]. I spoke with him and then my neighbor, [redacted], to the right of me. I spoke to him. I don't know that he saw the incident. I'm not sure he was home. I spoke to him later when it was a memorial or something on the street.

INV. STONECIPHER: Yeah. [redacted], do you happen to remember when you spoke to that neighbor that lives in [redacted], do you remember what they said they saw?

[redacted]: I don't.

INV. STONECIPHER: Okay.

[redacted]: He was definitely out on his steps that night, though.

INV. STONECIPHER: Okay. Okay. All right, [redacted]. I don't have any other questions but before I wrap it up, is there anything else relevant to this incident you feel that you should add?

[redacted]: No, I don't think so.

INV. STONECIPHER: Okay. All righty. Well, this interview is concluded. The official time is--let's see here. Official time is 9:26 a.m.

END OF DOCUMENT

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0097-18

INTERVIEW OF: [redacted]

DATE OF INTERVIEW: 05/21/2019

[redacted] And you say you've got a script you need to read.

INV. MATT STONECIPHER: Yes, sir. This interview is in regards to DPA Case Number 0097-18. This is Investigator Matt Stonecipher with the Department of Police Accountability. I am on the phone with [redacted]. Did I pronounce your name correctly?

[redacted]: That's correct.

INV. STONECIPHER: [redacted], can you please spell your first and last name for the record?

[redacted]: Sure. It's [redacted] last name [redacted]

INV. STONECIPHER: [redacted], do you understand that I'm recording our conversation?

[redacted]: Yes, I do.

INV. STONECIPHER: And do I have your permission to record this conversation?

[redacted]: Yes, you do.

INV. STONECIPHER: All right, [redacted] so why don't you just tell me from beginning to end just what you can recall about the incident that took place on March 6th 2018 at 21st and Capp.

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[redacted]: Sure. I was sitting in my living room at the front of the house at [redacted], and the blinds were closed, but I recall hearing some commotion outside, and I went to the front door—opened the front door, and saw two men in the street in front of my house with their hands up, and the police were telling them to get out of the way—get out of the way—get out of the street. At first I thought that they were the reason that the police were there, but then saw turning to my right, looking across the street to the north, I saw the car—a car pulled over, and [unintelligible] several police cars behind it with the lights flashing. And so I was standing they're watching that for a little bit, and could tell from the nature of the timbre of the voice of the police [unintelligible] somebody to get their hands up. Show us your hands both in English and Spanish. It was getting a little more anxious, so I went back into the house and got my cell phone and started recording. And within a minute, heard what sounded like to me one shot, and I was wondering you know why would that happen. And then about ten seconds later hear another shot, and then a whole you know—I can't count how many shots the police I guess fired on the car, and there's a whole lot of shooting. But—and then like it was over pretty much, and I recorded that all on video, and then later that night when the police came by to do a wellness check at the front door, they asked if I was okay, and did—I saw something, and that's when I volunteered that I had a video of the incident, and showed that to several police officers that night. Then went down to the police station later that night—early morning to give a statement.

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INV. STONECIPHER: I'm just taking notes right now. So let's back up here. So could you just describe the vehicle that was involved in this situation? What did it look like?

[redacted]: Quite frankly it was dark and hard to tell, because you know it was backlit from the searchlights on it. But it was a sedan I guess you'd call—the smaller compact sedan.

INV. STONECIPHER: Were any doors open during this on the vehicle?

[redacted]: I believe I saw the driver's side front door opened, and if the passenger side was open, I couldn't see it from my vantage.

INV. STONECIPHER: Did you see anything else that was open on the vehicle?

[redacted]: No, but later I learned that apparently the suspect was in the trunk of the vehicle, with the trunk halfway open. But again, I—you know it was part facing towards me so it wasn't clear.

INV. STONECIPHER: Gotcha you.

[redacted]: You know the trunk.

INV. STONECIPHER: So just to clarify, could you see into the trunk of that vehicle?

[redacted]: No, not from where I was standing.

INV. STONECIPHER: And where you were standing, was your view obstructed by anything?

[redacted]: No, pretty much unobstructed—yeah.

INV. STONECIPHER: So [redacted], how long—if you had to approximate, how long until you got your—how long had the scene been going on, or the incident been going on until you had

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grabbed your phone and started recording?

[redacted]: I couldn't say for certain—maybe a few minutes at most. You know at first I heard the siren just like a quick chirp, and quite frankly on Capp Street, that's not an uncommon thing to hear, but I didn't really pay it any mind. But then within a minute or so I would say I could kind of hear what—I heard yelling outside, and I was wondering, oh maybe [unintelligible] maybe the siren and the yelling are related. That's when I run to the front door and front steps and saw that there was something going on in the street, with the guys with their hands up, and then turned and saw the car parked with the police behind it. And that's when I went back. So all told maybe two minutes.

INV. STONECIPHER: Do you know why the officers started shooting?

[redacted]: I subsequently had seen the body cam footage, and learned more about the incident, and saw that it appears that the fellow in the back of the car took a shot at the cops, and they returned fire.

INV. STONECIPHER: Where did you—where did you see body cam footage?

[redacted]: It's posted to the SFPD website, and I also saw it during subsequent community engagement that they did a few meetings, and they showed it at that as well.

INV. STONECIPHER: All right, so [redacted] could you describe the formation of the officers that were on scene? How were they positioned? How would you describe their positioning during this?

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[redacted]: From what I could see, there—all the police seemed to be behind the suspect vehicle--so further away from me. There have been—it wasn't like they were encircling. It seemed like they were in let's say a semicircle behind it to the sides.

INV. STONECIPHER: Did you notice—did any officers—were they—were any officers moving as they were shooting?

[redacted]: That I couldn't say. I mean quite frankly when the [unintelligible] started I just ducked behind the side of the building and continued to video. So some of memory of this of course is--now I've watched that video several times. So but it—I wouldn't—I couldn't really say if you know people were moving.

INV. STONECIPHER: So talk to me more about that. Describe that—when the—like talk about your reaction when the shots started being fired. How did you react?

[redacted]: Well the first—like I said, the first—I heard a single shot, which I later found out was the beanbag round that was shot, and my initial reaction was wow that sounded like a shot, but I would expect if somebody shot once, they would be shooting a lot more than once given how many police were back there. And then you know I think it was about fifteen seconds after that single shot, that's when you know that's when all the shots happened almost instantaneously. It was a little jarring to hear it happen. I kind of stepped back from—to get a little shelter from the wall, but kept videoing. And then it was over seconds later, and then you could hear screaming and shots fired—shot fired.

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INV. STONECIPHER: But you were—so you said you took a step back. Did you go behind anything trying to...

[redacted]: Yeah, there was a—my front porch has—it's a little recessed area—shelter behind the wall.

INV. STONECIPHER: But I just want to make sure I'm understanding you correctly. But your phone—was your phone pointed—still pointed at the incident that was happening?

[redacted]: Yeah, I was kind of half behind it already and based on the line of sight. I was leaning up against it, and then when you know kind of just startled a little bit, but like I said it was over so quickly, and then looked out and you could see all police you know responding.

INV. STONECIPHER: All right, so you said you spoke with some police officers after the incident when they did a wellness check.

[redacted]: Uh huh.

INV. STONECIPHER: Do you remember who...

[redacted]: Yeah.

INV. STONECIPHER: Do you remember who those officers were?

[redacted]: No, I mean there was—there was a number of people that came and went. It seemed like they sent a bunch of people down the street checking on all the buildings on both sides of the street, and then I was basically sitting on my front porch watching this happen. You know the aftermath, and somebody came up and asked if I was okay, and I said yeah [unintelligible] house. Checked on my roommate who was sleeping in the back of the house. He didn't even hear anything. And then

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later on somebody came by asking for—you know if anybody had you know was a witness, and that's when I mentioned I had it. I do have a business card of—whose business card--Captain [redacted] no—no—no that was [unintelligible]. I'm sorry that's—I met him at a recent event. No, and then I met—then there were some people who took me—like I said downtown and took my statement that night and drove me back, but I don't have—I don't know their names. I'm sure somebody—I'm sure they've got the names.

INV. STONECIPHER: Right.

[redacted]: Yeah.

INV. STONECIPHER: [redacted], do you know—did your apartment get hit with gunfire?

[redacted]: No, it didn't.

INV. STONECIPHER: Okay, did the building get hit with gunfire that you live in?

[redacted]: No, it didn't.

INV. STONECIPHER: You said some officers picked you up and took you to a police station. Did I hear you correctly?

[redacted]: Yeah.

INV. STONECIPHER: What—I'm sorry go ahead.

[redacted]: I was going to say is that we went to the—downtown where the city jail is, so whatever that building is.

INV. STONECIPHER: Was it 850 Bryant? Do you know if it was 850 Bryant?

[redacted]: That's probably right. I believe it's on Bryant—yeah.

INV. STONECIPHER: Do you remember which officers took you down there?

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[redacted]: Can't say. I don't recall.

INV. STONECIPHER: So you went down to 850 Bryant, and you gave a statement, is that correct?

[redacted]: Yeah, I was put in a room with one or two guys and a tape recorder, and they just asked me you know maybe an hour's worth—not even an hours worth of questions, and then took me—and then somebody took me home.

INV. STONECIPHER: Do you remember—do you remember what those two guys looked like?

[redacted]: The only thing I could think of—one of them I think was the head or the [lead]—gosh I can't—you know I want to say a foreign accent like maybe English or French. I don't recall. If you told me the name, it might ring a bell, bit I don't really recall.

INV. STONECIPHER: And how long was that whole I guess interview with them?

[redacted]: Like I said, I think it was less than an hour.

INV. STONECIPHER: All right, so did I hear you correctly? You said you went to a town hall regarding this shortly after.

[redacted]: Yeah, so after the shooting there was a lot of protests on the street, and then there was a Mission neighborhood town hall, or meeting put on with the police, and they came up and showed some video that had been taken from the adjacent building that showed the whole—everything going on from the guys hop in the car, getting out, going out around the corner, jumping back in, getting pulled over, and then the shooting all. That was from one--a neighbor's security video

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[unintelligible] to be on the corner, and then they showed—released a number of police body cam footage.

INV. STONECIPHER: So to the best of my knowledge, there was a portion of that town hall where there was like a public comment, if I remember correctly. Did you get up and speak during the public comment?

[redacted]: No, quite frankly I was a bit fearful quite—quite frankly. From what I saw, and what I learned subsequently, I felt that while it was an unfortunate event, when somebody goes and robs people on the street with a gun, and then subsequently pulls a gun on the police and shoots at them, they pretty much signed their own death warrant. I think that--that was not a sentiment that would have been readily accepted by the crowd that night. They were very angry. They were screaming and calling the police assassins. I did not share their viewpoint.

INV. STONECIPHER: Yeah, okay. So right after the incident happened, did you speak to any of your neighbors?

[redacted]: Yeah, I talked to a number of my neighbors.

INV. STONECIPHER: Did you—did anything kind of stick out regarding anything. Well let me—I'm sorry, let me backtrack that.

[redacted]: Sure.

INV. STONECIPHER: Did any of the neighbors you speak to say they witnessed the incident?

[redacted]: Yeah, they did.

INV. STONECIPHER: Was—do you remember which neighbors that you spoke to about that that said they saw it?

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[redacted]: My—there's a gentleman named [redacted]. I don't know his last name that was almost—his house was down almost directly onto the events unfolding, and I talked to him, and there was my neighbor next door. [redacted] who said she heard the shots and saw. Yeah, there were a number of neighbors that I've seen in passing, but don't know their names.

INV. STONECIPHER: And did they say anything—did they say anything that you thought was important or needed to be noted?

[redacted]: No [unintelligible] I mean we were just kind of sharing our reaction to the event. It was kind of a bit traumatic just witnessing it.

INV. STONECIPHER: Right.

[redacted]: [Unintelligible] anybody actually involved in it—yeah. I don't know that's what I find really hard to understand with the neighborhood. That I'm a white guy in this neighborhood. And it's you know a lot of brown people who—you know and I have not shared their experience with police, but they seem to immediately jump to the conclusion that it was the police. What about the guy who shot at the cops. I mean I literally heard somebody say it oh you guys have body armor, and he only took one shot. Why did you have to shoot him so many times? I don't know somebody takes one shot at me, I'm going to shoot back [if] I can I think that's what happened.

INV. STONECIPHER: All right, so I've got to back up a second. Right before I guess the shots started firing. Did you hear anything being yelled or anything being said before shots—the shots started ringing out?

[redacted]: Yeah, I heard what I believe is a woman on

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the loud speaker speaking in both English and Spanish saying show us your hands. Show us your hands. We're [unintelligible] [SPANISH] or something to that effect. You know my Spanish isn't great, but I completely understood they you know wanted to see both hands, and that's all I can recall.

INV. STONECIPHER: Other than the comment about asking the person to see their hands, do you remember what the other commands in Spanish that were being said?

[redacted]: No, I don't. I mean I looked at my video I could you know see it, and recall it, but off the top of my head, no.

INV. STONECIPHER: Do you consider yourself fluent in Spanish?

[redacted]: No.

INV. STONECIPHER: Okay, all right. So [redacted] I know you had mentioned you had given the video to police officers who took the statement from you, is that correct?

[redacted]: Yeah.

INV. STONECIPHER: Other than those officers, did you give the video—your cell phone video to anyone else?

[redacted]: Yeah, I gave it to what is it Channel 2 News that night, and then the next day to all the various news media that were down—down at the end of the street covering it.

INV. STONECIPHER: So explain to me that process. Did they reach out to you, or did you reach out to them?

[redacted]: When that night I sent it in to whatever it is Channel 2 Eyewitness News, or you know I forget—I know it's Fox, because they subsequently asked was [Fox]—national

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[unintelligible] and I said no, but you know I gave it to the local media. And then the next day when I was at the end of the street walking by, when people knew that I lived—you know [unintelligible] the newscasters were asking if I lived there, and had seen the event, and I said I did, and I actually had the video. They asked if I could share it, and I said yes, so I shared it with them at that point.

INV. STONECIPHER: All right, okay [redacted]. Those are all the questions I have before we wrap it up here. Is there anything else you'd like to—that you feel should be noted about this incident?

[redacted]: Yeah, you know like I said, it's my opinion if it matters for anything. You know like I said it was an unfortunate thing. I don't want to see anybody die, but I really think that the police officers are in a very tough situation, and when somebody shoots at them, I think they're justifiably shooting back. I'm glad that it was only one person that lost their life that night, because it could have been a lot worse. It could have been the people on the street that he was robbing. It could have that they ran into people trying to get away from the police—any number of things. And I-you know the reason I started videotaping was because I know a lot of times police get accused of misconduct, and I figured well I'll have a recording for it, and no matter what happens. And that's why I got it out to the—I gave it to the news because I wanted it to get out. I didn't realize there was going to be all the body camera footage and all the other video. I'm glad there was, because I think it makes a pretty clear case.

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INV. STONECIPHER: All right, well I don't have any additional questions. So this interview is concluded. The official time is 1:31 PM.

END OF DOCUMENT

SFDPA - 0097-18 - 001727

OIS Witness Questions

1. Today is _____. This interview regarding DPA case #0097-18 is taking place at _____ at _____am/pm.
2. Please state and spell your name for the record. Do I have permission to record this interview?
3. This is Investigator _____. Also present is_____. I/We work for the Department of Accountability.
4. Do you know why we are being interviewed? If so, please state the reason.
5. On 3/6/18, there was an officer involved shooting at [redacted] at approximately 10:36pm. From beginning to end, please tell me where you were and what you were doing prior to, during, and after the officer involved shooting.
6. Did something draw your attention to your window? If so, what? What time?
    a. What did you hear?
    b. What did you see?
7. How was the lighting on the street?
8. Did anything obstruct your view?
9. What did you focus your attention on?

Subjects inside the vehicle

10. Did you know how many occupants were inside the vehicle? If so, how?
11. Besides the driver of the vehicle, did anyone else inside the vehicle exit the vehicle? If so, when? Did the second person inside the vehicle ever yell out? When did the officer realize another person was inside the vehicle?
12. Did you hear commands directed at a second person to exit the inside of the vehicle?
13. Who were the officers speaking to when they gave their commands?
14. What did you see how many people were inside the vehicle?
15. Did you see where the driver was taken? If so, where? Were officers talking to him?

Officers at the scene

16. Did you see an officer with a shotgun? If so, did the see the officer fire the shotgun?
    a. Where were the officers located in relation to the stopped vehicle? Were they in a semi-circle, straight line?
    b. Where were officers located?
    c. How many were initially at the scene?
17. Describe the officers tone when speaking to the occupants inside the car

18. Did you hear the loudspeaker? If so, what did you hear?

Person in the trunk

19. Was the trunk open? If so, how much?
20. What were you able to see inside the trunk?
21. Did you see a flash or spark? If so, when? How many? Where did you see the flash or spark?

Scene

22. Did you notice a dark colored vehicle doubled-parked?
23. Did you see SFPD chasing anyone?
24. Did you see the gunshots before you heard the gunshots?
25. Did you exit your home during the incident? If so, when?
26. Were alone? If no, who else was present?
27. Did you know any of the parties involved in the incident?
28. Did you know any of the officers involved in the incident?
29. Has SFPD contacted you? If so, whom? When? What was discussed?
30. Has any other agency investigating the shooting contacted you? If so, whom?
31. Is there ant other statement relevant to this incident you wish to make at this time?
32. The interview is concluded at _____

Victim/Reportee Questions

1. Today is _____. This interview regarding DPA case #0097-18 is taking place at _____ at _____am/pm.
2. Please state and spell your name for the record. Do I have permission to record this interview?
3. This is Investigator _____. Also present is_____. I/We work for the Department of Accountability.
4. Do you know why you are being interviewed? If so, please state the reason.
5. On 3/6/18, there was a robbery and later an officer involved shooting at [redacted] at approximately 10:36pm. Please tell me everything you remember about that incident.
    a. What were you doing?
    b. Were you robbed?
    c. How were you robbed? Ex: strongarm robbery, person w/ a gun
    d. What did the suspect say?
    e. What did the suspect want? What did the suspect take? Did you go into your pocket to get the money? Was your money in a wallet? Did you give the suspect your wallet?
6. After you were robbed what happened?
7. Did you flag down officers? If so, what was there response?
8. What did you tell the officers? Were you able to give a description of the suspect? If so, what did you tell the officers?
9. Please describe the suspect.
10. Did you see the direction of the suspect? If so, did you point the officers in that direction?
11. Did an officer stay with you and get a statement? If so, whom? If no, what did they tell you?
12. Did you see the officers chase the suspect? If so, what did you see?
13. Did you see the suspect jump into the trunk of a car? Where were you when you witnessed that?
14. When the officer chased the suspect, what did you do?
15. How was the street lighting?
16. Did you witness the OIS? If so, what did you see?
17. Did you know any of the parties involved in the incident?
18. Did you know any of the officers involved in the incident?
19. Was your property returned?

20. Did you know the suspect involved in your robbery was involved in an OIS? If so, how?
21. Was the person that robbed you the one that was involved in OIS?
22. Did officers take your statement? Did they provide a Spanish speaker officer or use the language line? Did you request a Spanish interpreter? Did you need a Spanish interpreter?
23. Did the officers misunderstand your request for help? If so, how?
24. Has SFPD contacted you? If so, whom? When? What was discussed?
25. Has any other agency investigating the shooting contacted you? If so, whom?
26. Is there ant other statement relevant to this incident you wish to make at this time?
27. The interview is concluded at _____

Witness [redacted]

3/22/18

1. For the record, please state and spell your name. What is your home address? Do I have permission to record this interview.
2. Do you know why we are interviewing you tonight? If so, please state the reason.
3. On 3/6/18, there was an officer involved shooting at [redacted] at approximately 10:36pm. From beginning to end, please tell me where you were and what you were doing prior to, during, and after the officer involved shooting.
4. Did something draw your attention to your window? If so, what? What time?
    a. What were you doing prior to that distraction?
5. What did you hear?
6. What did you see?
    a. Where were you?
7. Did you notice a dark colored vehicle doubled-parked?
8. Did you see SFPD chasing anyone?
9. Did you hear the loudspeaker? Where were you at that time?
10. Did you see the gunshots? If so, where were you?
11. Did you hear the gunshots? If so, where were you?
12. Did you exit your home during the incident? If so, when?
13. Were alone? If no, who else was present?
14. Did you know any of the parties involved in the incident?
15. Did you know any of the officers involved in the incident?
16. On this map, labeled exhibit A, please identify where officers were located, where the subject vehicle was located, where the patrol vehicles were located, where passerby's were located, or anything you can remember?
17. Has SFPD contacted you? If so, whom? When? What was discussed?
18. Has any other agency investigating the shooting contacted you? If so, whom?

San Francisco Police Department

Report Type: **Initial**

INCIDENT REPORT

[redacted]

INCIDENT

Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number
[redacted]	03/06/2018 22:34	03/06/2018 22:34	03/06/2018 22:34	[redacted]

Type of incident: ROBBERY, STREET OR PUBLIC PLACE, W/ GUN 03011 ASSAULT, ATT. HOMICIDE, W/ GUN 04021

Location of Occurrence:	At Intersection with/Premise Type	District
CAPP STREET	21ST STREET / SIDEWALK	MISSION

Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?	Domestic Violence? (Type of Weapon Used)	Use of Force?	Reporting Unit
☑	☐	☑	☐	☐	☐	☑	3J41E

Location Sent / On View:	At Intersection with	Reporting District
CAPP STREET	21ST STREET	MISSION

Crime and Clearance Status	Reported to Bureau	Name	Star	Date/ Time	Elder Victim	Gang Related?	Juvenile Subject?	Prejudice Based?
0	DOC	Burton, Joanna B	4780	03/06/2018 23:08	☐	☐	☐	☐

Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04?

OFFICER DECLARATION

I declare under penalty of perjury, this report of 27 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.

PROP 115 CERTIFIED 5 Year/Post

Reporting Officer	Star	Station	Watch	Date
BUTHERUS, PATRICK A	254	Mission Station	2100-0700	03/07/18 15:44
Reviewing Officer	Star	Station	Watch	Date
BARCENA, OSCAR C	1715	Mission Station	2100-0700	03/07/18 15:45
OIC	Star	Station	Watch	Date
BANTA, RONALD E	2251	Mission Station	1500-0100	03/07/18 16:03

Related Case	Related Case	Re-assigned to	Assigned to 5H200	Assigned by
--	--	Copies to 5H200 3*300 3*300	Add'l Copies	PB 254

VICTIM 1

Code	Name (Last, First Middle)	Alias	Email
V 1	[redacted]		NONE

Day Phone	Type	Home Address	City	State	Zip Code
(000) 000-0000	Unknown	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
	☐		U	F					

Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐		YES ☐	YES ☐	STRANGER/NONE

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
		UNABLE TO CONTACT R/V. R/V IS R/O OF A DAMAGED VEHICLE.

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

R/VICTIM 1

Code	Name (Last, First Middle)	Alias	Email
R/V 1	[redacted]		NONE

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code
[redacted]	Cell				

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted] 36	☐		H	M	5'6	160	BLK	BRO	

Confidential Person	Violent Crime Notification	293 PC Notification	Star	Follow-up Form	Statement	Relationship to Subject
☐	☑	☐	963	YES ☑	YES ☑	STRANGER/NONE

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
	NONE/REFUSED	

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☑	Spanish			Banegas, MilenS (Star # 963)

R/V 5 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 5	TUPPER #4115, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA STREET	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Star Notification ☐	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 6 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 6	CASSINELLI ##1104, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA STREET	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Star Notification ☐	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 7 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 7	SMITH-RUSSACK #4132, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Star Notification ☐	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial**

[redacted]

R/V 1 1 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 11	SMETS #253, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Star Notification ☐	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 1 2 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 12	CARROLL #987, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Star Notification ☐	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 1 3 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 13	O'ROURKE #2214, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Star Notification ☐	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 17 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 17	ROTCHI #1514, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 18 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 18	KAJASA #2058, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(451) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 19 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 19	SGT. CALDERA #498, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 23 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 23	CODY #1375, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 24 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 24	HANSEN #2095, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

R/V 25 VICTIM

Code	Name (Last, First Middle)	Alias	Email
R/V 25	KERIGAN #28, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

San Francisco Police Department

Report Type: **Initial**

INCIDENT REPORT

[redacted]

R / W I T N E S S 2

Code	Name (Last, First Middle)	Alias	Email
R/W 2	[redacted]		[redacted]

Day Phone	Type	Home Address	City	State	Zip Code
([redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code
		[redacted]	[redacted]	[redacted]	[redacted]

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]	☐		W	F	[redacted]	[redacted]	[redacted]	[redacted]	DL [redacted]

Confidential Person	Violent Crime Notification	293 PC Notification Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☐	YES ☑	UNKNOWN

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
	NONE	

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

R / W I T N E S S 3

Code	Name (Last, First Middle)	Alias	Email
R/W 3	[redacted]		[redacted]

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code
[redacted]	Home				

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]	☐		H	M	[redacted]	[redacted]	[redacted]	[redacted]	DL [redacted]

Confidential Person	Violent Crime Notification	293 PC Notification Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☑	YES ☑	STRANGER/NONE

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
	NONE	WITNESS

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

R E P O R T E E 1

Code	Name (Last, First Middle)	Alias	Email
R 1	[redacted]		[redacted]

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted]	☐		W	M	[redacted]	[redacted]	[redacted]	[redacted]	DL [redacted]

Confidential Person	Violent Crime Notification	293 PC Notification Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☑	YES ☑	STRANGER/NONE

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language
		LOCATED BULLET FRAGMENT, THAT WAS COLLECTED BY CSI.

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial**

[redacted]

REPORTEE 5

Code	Name (Last, First Middle)	Alias	Email
R 5	SGT. BARCENA #1715, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 6

Code	Name (Last, First Middle)	Alias	Email
R 6	YEE #71, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 553-1373 Work	1251 3RD ST	SAN FRANCISCO	CA	94158-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 7

Code	Name (Last, First Middle)	Alias	Email
R 7	COPE #677, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 671-2300 Work	201 WILLIAMS AVE	SAN FRANCISCO	CA	94124-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

REPORTEE 1

Code	Name (Last, First Middle)	Alias	Email
R 11	SHIH #2089, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 671-2300 Work	201 WILLIAMS AVE	SAN FRANCISCO	CA	94124-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 2

Code	Name (Last, First Middle)	Alias	Email
R 12	HALLIGAN #182, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 345-7300 Work	301 EDDY ST	SAN FRANCISCO	CA	94102-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 3

Code	Name (Last, First Middle)	Alias	Email
R 13	BUTHERUS #254, SFPD		

Day Phone / Type	Home Address	City	State	Zip Code

Night Phone / Type	Work Address	City	State	Zip Code
(415) 345-7300 Work	301 EDDY STREET	SAN FRANCISCO	CA	94102-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☐	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 17

Code	Name (Last, First Middle)	Alias	Email
R 17	ROMAN #2373, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 558-5400 Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 18

Code	Name (Last, First Middle)	Alias	Email
R 18	FRISK #715, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 315-2400 Work	766 VALLEJO ST	SAN FRANCISCO	CA	94133-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 19

Code	Name (Last, First Middle)	Alias	Email
R 19	FOGARTY #255, SFPD		

Day Phone Type	Home Address	City	State	Zip Code

Night Phone Type	Work Address	City	State	Zip Code
(415) 404-4000 Work	1 SGT JOHN V YOUNG ST	SAN FRANCISCO	CA	94112-

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐ Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

San Francisco Police Department

Report Type: **Initial**

INCIDENT REPORT

[redacted]

REPORTEE 23

Code	Name (Last, First Middle)	Alias	Email
R 23	GREEN #301, SFPD		

Day Phone	Type	Home Address	City	State	Zip Code

Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐	Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

REPORTEE 24

Code	Name (Last, First Middle)	Alias	Email
R 24	GASSEN #59, SFPD		

Day Phone	Type	Home Address	City	State	Zip Code
(415) 558-5400	Work	630 VALENCIA ST	SAN FRANCISCO	CA	94110-

Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk. ☐	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.

Confidential Person ☐	Violent Crime Notification ☐	293 PC Notification ☐	Star	Follow-up Form YES ☐	Statement YES ☑	Relationship to Subject

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

San Francisco Police Department
INCIDENT REPORT

Report Type: **Initial**

[redacted]

SUSPECT 3

Code	Name (Last, First Middle)	Alias	Email
S 3	[redacted]		

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code

DOB	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
Unknown ☐	[redacted]	[redacted]		H	F	[redacted]	[redacted]	BRO	BRO

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number

Booking Charge(s)	Booking Location

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star ☐	Date Time	CWB Check Star

Book/Cite Approval Star	Mass Arrest Code	M X-Rays ☐	School (if Juvenile)	Statement ☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
TRANSPORTED TO HOMICIDE PENDING FURTHER INVESTIGATION.

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

PROPERTY E1

Code/No	Item Description	Brand	Model
EVD 1	ERIW CASING		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					1	

Seized by (Star)	From Where
1030	MISSION STATION FROM OFC. SANTANA

Additional Description/Identifying Numbers
Spent ERIW Casing. Booked at Mission Station by 1030.

PROPERTY E2

Code/No	Item Description	Brand	Model
EVD 2	PROPERTY RECEIPT	SFPD	315

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
			MUL/COL		1	

Seized by (Star)	From Where
71	850 BRYANT STREET (HOMICIDE DETAIL)

Additional Description/Identifying Numbers
PROVIDED TO SERGEANT CHORLEY #270

PROPERTY E3

Code/No	Item Description	Brand	Model
EVD 3	PHOTO DISK		

Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value
					1	

Seized by (Star)	From Where
1030	MISSION STATION

Additional Description/Identifying Numbers
(2) Photos of ERIW Casing. Booked at Mission Station by 1030.

PROPERTY								
E10	Code/No EVD 10	Item Description FIREARMS				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star) 396	From Where						
	Additional Description/Identifying Numbers All Police issued firearms that were discharged at the scene, were collected by Lt. Devlin from CSI at Co D.							

PROPERTY								
S1	Code/No STN 1	Item Description US CURRENCY				Brand	Model	
	Serial No.	Gun Make	Caliber	Color GRN	Narcotics Lab No.	Quantity	Value $60.00 Total	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers 3 x $20 bills							

PROPERTY								
D1	Code/No DMG 1	Item Description VEHICLE DOOR				Brand NISSAN	Model ROGUE	
	Serial No. [redacted]	Gun Make	Caliber	Color GRY	Narcotics Lab No.	Quantity 1	Value TBD	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers DRIVER'S DOOR WAS DAMAGED. (CA [redacted]							

PROPERTY								
D2	Code/No DMG 2	Item Description VEHICLE DRIVER'S SIDE VIEW MIRROR				Brand NISSAN	Model ALTIMA	
	Serial No.	Gun Make	Caliber	Color GLD	Narcotics Lab No.	Quantity 1	Value TBD	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers DRIVER'S SIDE VIEW MIRROR.							

PROPERTY								
D3	Code/No DMG 3	Item Description WINDOW				Brand	Model	
	Serial No.	Gun Make	Caliber	Color COM	Narcotics Lab No.	Quantity 2	Value TBD	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers TWO APARTMENT WINDOWS THAT WERE DAMAGED. [redacted]							

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

VEHICLE INFORMATION

VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R – RECOVERED; S – STOLEN; S/R – STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED

Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
D 3	[redacted]	CA	2018		[redacted]

Veh Year	Make	Model
2009	Ford	CROWN VICTORIA

Style	Color	Plates/VIN Match?	Plates Missing?
Sedan, 4 Door	All Others, explain in narrative	☑	FRONT ☐ REAR ☐

Condition (Check all that apply)	Damage	Point of Entry
APPARENTLY DRIVABLE? ☑ BURNED? ☐ DAMAGE? ☑ STRIPPED? ☐	HOOD AND PASSENGER DOOR	

Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)	Star	Towed to (Name/Address)	Tow Check (Name)	Star
☑	☐	Lt Banta	2251	CSI LOT		

Hold For	Other Information
Homicide	

OWNER

Registered Owner Business Name/Last Name (R/O)	First Name	Residence Phone
CITY AND COUNTY OF SAN FRANCISCO	N/A	

Residence Address	City	State	Zip	Business Phone
				(415) 558-5400

VEHICLE INFORMATION

VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R – RECOVERED; S – STOLEN; S/R – STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED

Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
D 4	[redacted]	CA	2019	PC	[redacted]

Veh Year	Make	Model
2012	Honda	CRV

Style	Color	Plates/VIN Match?	Plates Missing?
Carryall (Blazer,Bronco,Jeep,Suv Etc.)	Silver	☑	FRONT ☐ REAR ☐

Condition (Check all that apply)	Damage	Point of Entry
APPARENTLY DRIVABLE? ☑ BURNED? ☐ DAMAGE? ☑ STRIPPED? ☐	REAR DRIVER'S SIDE DOOR FRAME, REAR PASSENGER SIDE QUARTER PANEL-	

Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)	Star	Towed to (Name/Address)	Tow Check (Name)	Star
☐	☐					

Hold For	Other Information

OWNER

Registered Owner Business Name/Last Name (R/O)	First Name	Residence Phone
[redacted]	[redacted]	[redacted]

Residence Address	City	State	Zip	Business Phone
[redacted]	[redacted]	[redacted]	[redacted]	

At 2308hrs, I contacted PSA Burton #4780 at the department operation center and advised her of the officer involved shooting. She made all the appropriate notifications. (3D300) Captain Caltagirone #872 arrived on scene at approximately 2311hrs and took over command of the incident. The San Francisco Police command van arrived and established the incident command post. Commander Perea #474 arrived at approximately 2319hrs and took over command of the incident. Commander McEachern #1124, Deputy Chief Redmond #1757, Assistant Chief Sainez #1667, and Chief Scott #26 all arrived on scene. Homicide, Night investigations, IAD, Risk Management, and Robbery all responded to the scene as well as members of the District attorney office, and members of the Department of Police accountability. CSI units responded and took control of all evidence at the scene. The interior and exterior crime scene logs were maintained throughout the incident till the crime scene was closed at 1100hrs.(See statements)

(S2[redacted], (S3)[redacted], (R/V1[redacted] and (R/V4)[redacted] were all transported separately to the Homicide Detail for further investigation.(see officer statements) It should be noted that at the time this report was completed, (S1)deceased Hispanic male suspect had not been identified.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO. [redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Mendiola, Joseph D 1975			415/558-5400

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		630 Valencia Street, SF	94110-1126

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	03:00	03:00	At Scene ☐ Other: MISS

On 03/06/2018 at about 2242 hrs, I was at Mission Station after my shift ended when a "406" was called over the radio at 20th St and Capp St. I was no longer in uniform at that time. I grabbed my SFPD jacket and duty belt and responded to the scene with Officer Rose #2395, Officer Strickland #874 and Officer Aiello #664. Due to the serious nature of the incident, I was unable to grab my Body Worn Camera from the equipment room and was not equipped with it.

Upon arrival at the scene, numerous police units were already at the scene. I assisted with driving Officer Santana #2097 back to Mission Station. Officer Santana informed me that he was involved in the incident and deployed his Extended Range Impact weapon. I then drove Officer Santana #2095 back to Mission Station.

Sgt Barcena #1715 conducted the use of force evaluation for the incident and entered them in the use of force log.

[redacted] stated that the Hispanic male walked up in front of them and that he was holding a silver handgun in his right hand, pointed it him and pressed it on his stomach. [redacted] said that the Hispanic male was pointing the handgun from his waist area. [redacted] stated that the Hispanic male stated in Spanish," Me dame tu feria primo!" Which translate to, give me your money cousin. [redacted] stated that fearing for his life he took out his wallet and gave $50 in (STN-1) US currency bills to the Hispanic male. [redacted] stated that the Hispanic male then ran South on the west side of Capp Street towards 22nd Street. [redacted] observed a SFPD Patrol vehicle pull up and [redacted] yelled, "Pistola" and pointed at the Hispanic male who was running South on Capp Street. [redacted] observed the Hispanic male either enter into a black vehicle or go between two vehicles that were parked on the west side of Capp Street. [redacted] heard Police officers yelling in English directed at a black vehicle. [redacted] could not comprehend on what was said.

[redacted] described the Hispanic as follows: Hispanic male, black hoody, dark colored baseball hat, unknown pants, 5'6", 150 pounds, silver handgun in his right hand, and approximately 26 to 27 years old. [redacted] stated that he would recognize the Hispanic male if seen again.

Ofc Banegas provided [redacted] with a Marsy's card, victims of crime and follow up form in Spanish.

Per 3D204, Lt Banta #2251, Ofc Dequis and I transported [redacted] to the Homicide unit located at 850 Bryant for an interview.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Cope, Tyler J 677			415/671-2300

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		201 Williams Street, SF	94124-2558

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	03:09	03:27	At Scene ☐ Other: POTR

On 06 March 2018 at approximately 2245 hours, Ofc. Shih #2089 and I were in full police uniform, operating a marked police vehicle. We responded to the area of 21st St. and Capp St. regarding a Officer involved shooting. It should be noted I have not been issued a (BWC) body worn camera at the time of this incident.

Upon arrival I canvassed the West side of Capp St. traveling north from 22nd St. for video camera's and witnesses regarding the incident. I located a camera at [redacted] on the [redacted] side of the building, but was unable to contact the responsible party of the video camera, due to the business being closed at the time of the incident. I located another camera at [redacted] but was unable to make contact with any of the residents at the time of the incident.

I met with (W) [redacted], who resides at [redacted] stated the following in summary: [redacted] stated she observed from her [redacted] window facing [redacted] toward Capp St. approximately five police vehicles, and approximately ten police officers facing north on Capp St. with their firearms drawn and pointed toward some unknown target. [redacted] stated she heard a female officer speaking over a loud speaker, but was unable to make out what was said due to her window being closed at the time. [redacted] then told me she heard a unknown number of bangs, then heard the female officer over the loud speaker say "Shots fired."

I notified Sgt. Bandvik #479 of Homicide regarding [redacted] statement and was instructed to write a statement regarding my interaction with [redacted]

Are there any outstanding suspects?
"Not to my knowledge."

Are you aware of any witnesses and their location?
"Yes, there were two people standing on the east side of Capp Street."

In what direction did you or anyone else shoot? With which firearm?
"I shot south by southwest on Capp Street. I fired with a Department patrol rifle."

Can you identify the crime scene and prospective evidence?
"Yes."

I asked Officer Nagai # 2017 the following questions at 2341 hours:
Is anyone injured, if so where are they?
"Yes, the suspect. He is at the scene."

Are there any outstanding suspects?
"Not that I know of."

Are you aware of any witnesses and their location?
"No."

In what direction did you or anyone else shoot? With which firearm?
"I shot in the direction of southbound on Capp Street. I fired with my Department issued pistol."

Can you identify the crime scene and prospective evidence?
"Yes."

I asked Officer Chiu # 1306 the following questions at 2345 hours:
Is anyone injured, if so where are they?
"Yes, the suspect. He was at the scene."

Are there any outstanding suspects?
"No."

Are you aware of any witnesses and their location?
"No."

In what direction did you or anyone else shoot? With which firearm?
"I shot southbound on Capp Street. I fired with my Department issued pistol."

Can you identify the crime scene and prospective evidence?
"Yes."

I asked Officer Ishida # 2035 the following questions at 2350 hours:
Is anyone injured, if so where are they?
"Yes, the suspect. He is at the scene."

Are there any outstanding suspects?
"No."

Are you aware of any witnesses and their location?
"No."

In what direction did you or anyone else shoot? With which firearm?

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Dequis, Joshua D 334			415/558-5400

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		630 Valencia Street, SF	94110-1126

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	03:22	03:29	At Scene ☐ Other: HOMI

On 3/6/2018, at approximately 2236 hours, FTO Roman #2373 and I were working uniformed patrol in a marked police vehicle as unite 3D15E. We responded to Capp St and 21st St regarding a possible person with a gun.

It should be noted that we were wearing our department issued body worn cameras (BWC) and activated them during the incident.

At approximately 2238 hours, FTO Roman and I arrived on scene and immediately set up a perimeter to block off the intersection of Capp St and 21st St.

FTO Roman located a victim, later identified as (RV) [redacted], whose primary language was Spanish. FTO Roman served as the certified Spanish interpreter for the investigation.

During FTO Roman's interview with [redacted], we heard several shots fired from the midblock of Capp St, between 21st St and 22nd St. I was unable to determine how many shots were fired.

FTO Roman and I immediately set up crime scene tape, blocking off the entire intersection of Capp St and 21st St.

I attempted to locate witnesses and cameras at the following addresses with negative results:

[redacted]

On 3/7/2018, at approximately 0010 hours, per the instruction of Lt. Banta #2251, FTO Roman and I transported (RV) [redacted] to the Homicide Unit at 850 Bryant St in order for him to provide his statement.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Zahn, Bryan R 4303			415/671-2300

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		201 Williams Street, SF	94124-2558

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	07:00	07:00	At Scene ☐ Other: POTR

On 03/06/2018 at approximately 2234 hours, (3C12E) Officer R. Sanchez #1933 and I responded to 21st Street and Capp Street, in regards to an Officer Involved Shooting (OIS) in the Mission Police District.

Once we arrived on scene, we assisted with Crime Scene Management by blocking vehicle and pedestrian traffic at 21st Street and South Van Ness Avenue. We utilized crime scene tape and stood on post until relieved by (3C72,3C73) Officers Eastlund #1318, Cloud #1159, and Norment #641.

Officer Sanchez and I uploaded our (BWC) Body Worn Cameras footage to the SFPD Evidence.com portal.

Are there any outstanding suspects?
"No."

Are you aware of any witnesses and their location?
"No."

In what direction did you or anyone else shoot? With which firearm?
"I shot to the west side of Capp from the eastern side of Capp Street. I used my Department issued Sig. The suspect shot but I'm not sure what direction."

Can you identify the crime scene and prospective evidence?
"Yes."

I asked Ofc. O'Rourke #2214 the following questions:
Is anyone injured, if so where are they?
"Yes, at the scene."

Are there any outstanding suspects?
"No."

Are you aware of any witnesses and their location?
"Yes, there was a female in the car. There were two Hispanic males on the east sidewalk on Capp, further south."

In what direction did you or anyone else shoot? With which firearm?
"I shot south on Capp with my Department issued pistol. Other officers shot south. The suspect shot north with a handgun."

Can you identify the crime scene and prospective evidence?
"Yes."

I assisted Ofc. Campbell #1149 with allowing [redacted] in using the restroom, while she was detained at Mission Station. Due to the circumstances and not knowing her involvement in the incident, Ofc. Campbell placed fresh paper bags on each of [redacted] hands to preserved any possible evidence. Ofc. Campbell and I then assisted her in using the restroom and we manipulated her clothing for her since her hands were bagged.

At Mission Station, Ofc. Santana #2097 handed me ERIW #11, that was used in the incident. I gave it to Mission Station Keeper Ofc. Garcia #1788, who locked it in a secured locker in the Keepers Office. Ofc. Santana also gave me a spent (E1) ERIW casing that he picked up from the scene. I took two photos of the casing and uploaded them to a (E3) Photo Disk.

I booked the casing and photo disk as evidence at Mission Station.

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Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Zhao, Allen C 488			415/404-4000

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		1 Sgt. John V. Young Lane, SF	94112

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	07:20	07:30	At Scene ☑ Other:

On 03/07/2018, at approximately 0152 hours I responded to Capp St and 21st St to relieve Officer Rotschi #1514 of the interior crime scene log. I maintained the crime scene log until I was relieved by Officer McCall #377 at 0700 hours.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO. [redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Shih, Benjamin D 2089			415/671-2300

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		201 Williams Street, SF	94124-2558

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	03:17	03:17	At Scene ☑ Other:

On March 6th 2018 at approximately 2241 hours, I responded to a shots fired incident.

I arrived on scene and turned on my BWC and at times utilized the mute feature to discuss sensitive police information.

I conducted a well-being check on the east side of Capp Street from [redacted] all the way south to the intersection with 22nd Street. I spoke with multiple residents who did not complain of any injury or damage to their residence.

I conducted a search for security cameras and found them at the following addresses: [redacted] I could not make contact with any residents at the above addresses regarding any access to their camera footage.

I went to [redacted] and met (RW/1) [redacted], who immediately told me that he had witnessed the incident and had video footage. [redacted] briefly told me the following: [redacted] heard the sounds of emergency sirens and went outside to see what was happening. He saw police cars and sirens one building to the north. [redacted] began recording from the vantage of his stoop with his cell phone. [redacted] could hear the verbal commands given by Officers on scene. [redacted] heard and saw gunfire. [redacted] continued to record the incident for approximately 7 minutes.

[redacted] connected his cell phone to a large screen television and played his video footage, of which I recorded a portion with my Department Issued Cell Phone. I saw a video recording of the above incident which included clear audio of verbal commands and shots fired. [redacted] told me that his video recordings did not have any automatic deletion date and would remain saved on his phone and his Icloud.

I notified Sgt. Bandvik #479 of Homicide regarding [redacted] and his video. Sgt. Bandvik took over all investigation with [redacted]. I returned to block traffic at Capp and 22nd Street.

I returned to Bayview Police Station. I transferred my video recordings to a (EVD/5) CD and booked it as evidence at Bayview Police Station.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Barcena, Oscar C 1715			415/558-5400

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		630 Valencia Street, SF	94110-1126

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	03:49	04:00	At Scene ☐ Other: MISS

On Tuesday, March 6, 2018, I, Sergeant Barcena #1715, responded to the area of Capp and 21st Streets in order to assist. I canvassed the area and located surveillance cameras located at [redacted]. I contacted the resident/owner, [redacted], who informed me that his video surveillance system was functioning at the time of this incident and would voluntarily provide SFPD with said video evidence.

[redacted] downloaded the video footage onto his laptop and then transferred the pertinent video footage onto a flash drive. [redacted] informed me that the video offset is as follows:

DVR date and time: 03/07/2018 @ 00:46:01 hours
Correct date and time: 03/06/2018 @ 22:46:01 hours

Thus, the DVR is 2 hours FAST.

Also, while still at the scene, I assisted in transporting [redacted] to Mission Station. I rode in the back seat with [redacted] as Sergeant Perez #739 rode as the right front passenger and Officer Buckner #141 drove. My (BWC) camera was on during this transport having been muted prior for sensitive law enforcement exchange of information.

Upon arriving to Mission Station I transferred the video files from the flash drive onto a (E6) DVD-R diskette which I booked into property at Mission Station. I was unable to upload these video files to the CDW as the video files were too large to do so. I was also apprised of the use of force by the officers and made the entries into the Use of Force Log at Mission Station as well as conducting the Supervisory Use of Force Evaluation. I also made the entries into the eStop data warehouse system accordingly.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Frisk, James J 715			415/315-2400

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		766 Vallejo Street, SF	94133-3818

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	08:05	08:05	At Scene ☐ Other: CENT

On 03/07/2018 at approximately 0151 hours Officer Tallerico #976 and I responded to the scene of an officer-involved shooting. Officer Tallerico and I maintained the inner perimeter of the crime scene.

I activated my (BWC) Body Worn Camera as I observed the medical examiner search the (S/1) suspect. Officer Gamboa #1327 seized my Body Worn Camera when the search was completed.

As we waited on scene a witness, identified as (R/W3) [redacted], informed me that he observed the officer-involved shooting. [redacted] told me the following in essence:

[redacted] was awoken by [redacted] who informed him that there was a police incident occurring in front of their house. [redacted] went to his front window where he observed numerous police officers pointing their guns at a suspect that was in the trunk of a black Honda Civic. The suspect was laying down in the trunk facing the front of the Honda. [redacted] heard orders being given to the suspect in English and in Spanish. An officer used the loudspeaker and ordered the suspect to raise his right hand. The suspect complied. The officer ordered the suspect to raise his left hand. The suspect did not comply. The suspect rolled over and faced the officers. [redacted] observed a "flash" originate from the middle of the trunk of the Honda and "all hell broke loose." [redacted] heard an officer over a loudspeaker order officers to cease fire. The officers then ceased fire. Officers on scene extracted the suspect from the trunk and began performing CPR. [redacted] observed the officers extract a female from the passenger side door of the Honda.

[redacted] described the suspect as wearing blue jeans and a hoodie.

I did not have my Body Worn Camera activated when I interviewed [redacted] as it had already been seized.

I spoke with [redacted] who stated that she did not see the shooting and only heard it.

[redacted] showed me a recording he took with his iPad. The recording shows officers extracting the suspect from the Honda and then performing CPR on him. I recorded a portion of the video using my department issued phone. Officer Tallerico later uploaded my recorded footage to a CD which I mailed to Sgt. Watts #1594 at Homicide.

SFDPA - 0097-18 - 001757

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO. [redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Rotschi, Michael P 1514			415/558-5400

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		630 Valencia Street, SF	94110-1126

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	04:28	04:52	At Scene ☐ Other: MISS

On March 6, 2018 I was on scene for an officer involved shooting. At approximately 2305 hours, I started an interior crime scene log. I was relieved by Officer Zhao #488 who took over the crime scene log.

While on scene I noticed a dog which had been inside the suspect vehicle and was now sleeping in the back of a patrol vehicle (unharmed). Lt. Banta #2251 notified San Francisco Animal Care and Control via dispatch. Officer Jolley #6 of SF ACC responded to the scene and took possession of the dog. Jolley provided me with a (EVD) receipt for the dog.

The owner of the dog was being interviewed at 850 Bryant St. in the homicide department, so I faxed a copy of the receipt to the Homicide unit so it could be provided to the owner and I booked the original copy into evidence at Mission Station.

This incident was captured via my BWC which was later seized at Mission Station. While on the crime scene I muted my BWC while discussing sensitive law enforcement information with Officers on scene.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Green, Devan S 301			415/666-8000

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		461 6th Avenue, SF	94118-3009

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	11:59	11:59	At Scene ☐ Other:

On March 7th, 2018 at approximately 0700 hours, Officer McCall #377 and I responded to 21st Street and Capp Street regarding an Officer Involved Shooting.

Officer McCall and I relieved (3H11E), Officer Fogarty #255 and Officer Zhao #488 who were already on scene maintaining crime scene logs. I relieved Officer Fogarty who was maintain the outer perimeter crime scene log. Officer McCall relieved Officer Zhao was maintaining the interior crime scene log.

At the crime scene, I ordered a tow of the suspect vehicle to the Crime Scene Investigations Lot.

At approximately 1050 hours, at the closing of the crime scene, Officer McCall and I responded to Mission Station where Officer McCall provided me with the inner crime scene log. I booked the outer crime scene log and inner crime scene log as evidence at Mission Station.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted] [redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Halligan, Anthony J 182			415/345-7300

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		301 Eddy Street, SF	94102-2606

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	04:15	04:15	At Scene ☐ Other:

On 03/06/2018 at approximately 2246 hours, Officer Buckner #141 and I responded to 21st Street and Capp Street regarding an officer involved shooting.

I activated my BWC for this incident.

Upon our arrival, several SFPD units were already on scene and I helped secure the perimeter.

At approximately 2322 hours, I conducted a transportation search of (D) [redacted] for Officer Buckner. Officer Buckner transported [redacted] to Mission Station, while I stayed on scene.

On 03/07/2018 at approximately 0009 hours, Officer Buckner and I transported (V) [redacted] to 850 Bryant Street for an interview.

I muted my BWC several times during this incident when discussing sensitive police information.

Report Type: **Initial**

San Francisco Police Department
INCIDENT REPORT

[redacted]

Incident Report *Statement*

INCIDENT NO.

[redacted]

Name (Last,First,Middle)	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night)
Cortez, Miguel D 4262			415/558-5400

Residence	Zip Code	Business Address / City if not San Francisco	Zip Code
		630 Valencia Street, SF	94110-1126

Date of Statement	Time Started	Time Completed	Location Where Statement Taken
03/07/18	11:44	11:55	At Scene ☐ Other: MISS

On 3/7/18 at approximately 1055hrs, I assisted in following the suspect vehicle from the crime scene to the C.S.I. lot located at Auto Return.

[redacted]

San Francisco Police Department
INCIDENT REPORT

Report Type: **Supplemental**

[redacted]

INCIDENT

Incident Number	Occurrence From Date / Time	Occurrence To Date / Time	Reported Date / Time	CAD Number
[redacted]	03/06/2018 22:30	03/06/2018 22:50	03/07/2018 23:00	[redacted]

Type of incident
ROBBERY, STREET OR PUBLIC PLACE, W/ GUN 03011 CONSPIRACY 26080 ASSAULT, ATT. HOMICIDE, W/ GUN 04021

Location of Occurrence:	At Intersection with/Premise Type	District
[redacted]	21ST ST / STREET, (NOT SIDEWALK)	MISSION

Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?	Domestic Violence? (Type of Weapon Used)	Use of Force?	Reporting Unit
☑	☑	☑	☐	☐	☐	☑	5H21

Location Sent / On View:	At Intersection with	Reporting District
CAPP ST	20TH ST	MISSION

Crime and Clearance Status	Reported to Bureau	Name	Star	Date/ Time	Elder Victim	Gang Related?	Juvenile Subject?	Prejudice Based?
6	HOMI	Watts, Thomas G	1594	03/07/2018 23:00	☐	☐	☐	☐

Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04? Yes

OFFICER DECLARATION

I declare under penalty of perjury, this report of 7 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.
PROP 115 CERTIFIED 5 Year/Post

	Star	Station	Watch	Date
Reporting Officer: WATTS, THOMAS G	1594	Homicide	0700-1700	03/07/18 19:33
Reviewing Officer: WATTS, THOMAS G	1594	Homicide	0700-1700	03/07/18 19:34
OIC: WATTS, THOMAS G	1594	Homicide	0700-1700	03/07/18 19:34

Related Case	Related Case	Re-assigned to / Copies to	Assigned to / Add'l Copies	Assigned by
--	--	Copies to 3*300	Assigned to 3*300	TW 1594

VICTIM 1

Code	Name (Last, First Middle)	Alias	Email
V 1	[redacted]		

Day Phone / Type	Home Address	City	State	Zip Code
[redacted] Cell	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone / Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted] / [redacted]	☐		H	M	[redacted]	[redacted]	[redacted]	[redacted]	

Confidential Person	Violent Crime Notification	293 PC Notification / Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☐	YES ☐	UNKNOWN

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☑	Spanish		2373 Ramon	

VICTIM 2

Code	Name (Last, First Middle)	Alias	Email
V 2	[redacted]		

Day Phone / Type	Home Address	City	State	Zip Code
[redacted] Cell	[redacted]	[redacted]	[redacted]	-
Night Phone / Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted] / [redacted]	☐		H	M	[redacted]	[redacted]	[redacted]	[redacted]	DL [redacted]

Confidential Person	Violent Crime Notification	293 PC Notification / Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☐	YES ☐	UNKNOWN

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☑	Spanish		2373 Ramon	

SFDPA - 0097-18 - 001762

San Francisco Police Department
INCIDENT REPORT

Report Type: **Supplemental**

[redacted]

WITNESS 1

Code	Name (Last, First Middle)	Alias	Email
W 1	[redacted]		

Day Phone	Type	Home Address	City	State	Zip Code
[redacted]	Cell	[redacted]	[redacted]	[redacted]	[redacted]
Night Phone	Type	Work Address	City	State	Zip Code

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
[redacted] / [redacted]	☐		W	M	[redacted]	[redacted]	[redacted]	[redacted]	DL [redacted]

Confidential Person	Violent Crime Notification	293 PC Notification Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☐	YES ☐	UNKNOWN

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

REPORTEE 1

Code	Name (Last, First Middle)	Alias	Email
R 1	WATTS, GARY		

Day Phone	Type	Home Address	City	State	Zip Code
(415) 734-3114	Work				
Night Phone	Type	Work Address 850 BRYANT ST	City SAN FRANCISCO	State CA	Zip Code 94103-

DOB / Age	DOB Unk.	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
	☐								

Confidential Person	Violent Crime Notification	293 PC Notification Star	Follow-up Form	Statement	Relationship to Subject
☐	☐	☐	YES ☐	YES ☐	

School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

SFDPA - 0097-18 - 001763

San Francisco Police Department
INCIDENT REPORT

Report Type: **Supplemental**

[redacted]

BOOKED 1

Code	Name (Last, First Middle)	Alias	Email
B 1	[redacted]		

Day Phone	Type	Home Address	City	State	Zip Code
		[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code

DOB Unknown ☐	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
	[redacted]	[redacted]		H	M	[redacted]	[redacted]	BRO	BRO

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
[redacted]		DL [redacted]		

Booking Charge(s)	Booking Location
n/w 211 pc / n/w 211 pc / n/w 182 pc	COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star	Date Time	CWB Check	Star
	☑ 462	03/07/2018 05:00	ANDRY	58

Book/Cite Approval	Star	Mass Arrest Code	M X-Rays	School (if Juvenile)	Statement
BOOK	2248		☐		☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
GREY SHIRT,LIGHT COLORED PANTS

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

SFDPA - 0097-18 - 001764

San Francisco Police Department
INCIDENT REPORT

Report Type: **Supplemental**

[redacted]

BOOKED

Code	Name (Last, First Middle)	Alias	Email
B 2	[redacted]		

Day Phone / Type	Home Address	City	State	Zip Code
	[redacted]	[redacted]	[redacted]	[redacted]

Night Phone / Type	Work Address	City	State	Zip Code

DOB Unknown ☐	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
	[redacted]	[redacted]		H	F	[redacted]	[redacted]	[redacted]	[redacted]

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
[redacted]		DL [redacted]		

Booking Charge(s)	Booking Location
n/w 211 pc / n/w 211 pc / n/w 182 pc	COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star	Date Time	CWB Check	Star
	☑ 341	03/07/2018 04:00	ANDRY	58

Book/Cite Approval	Star	Mass Arrest Code	M X-Rays	School (if Juvenile)	Statement
BOOK	2248		☐		☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
BLACK PANTS, LIGHT COLORED TOP

Interpreter Needed	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#
☐				

San Francisco Police Department
INCIDENT REPORT

Report Type: **Supplemental**

[redacted]

SUSPECT 1

Code	Name (Last, First Middle)	Alias	Email
S 1	DELGARDO-DUARTE, JESUS		

Day Phone	Type	Home Address	City	State	Zip Code
		[redacted]	[redacted]	[redacted]	[redacted]

Night Phone	Type	Work Address	City	State	Zip Code

DOB Unknown ☐	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
	[redacted]	[redacted]		H	M	[redacted]	[redacted]	BRO	BRO

SFNO	J/D# (if Juvi)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
[redacted]				

Booking Charge(s)	Booking Location

Warrant #	Court#	Action#	Dept#	Enroute to

Warrant Violation(s)	Bail ($)

Citation#	Violation(s)	Appear Date/time	Location of Appearance

☐ CA Form Booked Copy Attached	Mirandized: Star ☐	Date Time	CWB Check Star

Book/Cite Approval Star	Mass Arrest Code	M X-Rays ☐	School (if Juvenile)	Statement ☐

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
DECEASED

Interpreter Needed ☐	Language	Language Description(if Other)	Language Line Service/Interpreter ID#	Bilingual Ofc Star#

VEHICLE INFORMATION

VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R – RECOVERED; S – STOLEN; S/R – STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED

Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
F 1	[redacted]	CA	2018		[redacted]

Veh Year	Make	Model
2017	Honda	

Style	Color	Plates/VIN Match?	Plates Missing?
Coupe	Black	☐	FRONT ☑ REAR ☑

Condition (Check all that apply)	Damage	Point of Entry
APPARENTLY DRIVABLE? ☑ BURNED? ☐ DAMAGE? ☐ STRIPPED? ☐	BULLET HOLES	REAR

Crime Scene Tech. Notified? ☐	387 Form Given to Owner? ☐	Tow Approved By (Name) Star	Towed to (Name/Address)	Tow Check (Name) Star
		413	AUTO RETURN	

Hold For	Other Information
Homicide	

OWNER

Registered Owner Business Name/Last Name (R/O)	First Name	Residence Phone
[redacted]	[redacted]	

Residence Address	City	State	Zip	Business Phone
[redacted]	[redacted]	[redacted]	[redacted]	

SFDPA - 0097-18 - 001766

NARRATIVE

On 3/6/18, at approx. 2230 hours, (V-1) [redacted] was walking e/b on 21st St. to his residence located at [redacted]. As [redacted] made the corner, he made short verbal contact with (V-2) [redacted] wishing him good evening. [redacted] turned north on Capp St. walking towards his house on the west side of Capp St., when he observed (S-1)Duarte walking s/b on Capp St. approaching him. [redacted] watched as Duarte walked past him, then turned towards [redacted], put his hand inside his right jacket pocket and pull out a silver semi-auto handgun. Duarte said to [redacted] in Spanish 'give me your money cousin'. [redacted] handed over to Duarte approx. $50-60 in US Currency. Duarte then ran s/b on Capp St. [redacted] made his way towards [redacted]. As the two were talking, an SFPD Patrol car arrived in the area. The two men told the Officers Bamaca had just been robbed and that the suspect had run s/b on Capp St. and had possibly got into a black car parked south on Capp.

The officers drove around the corner and observed a black car. They made a felony stop on the car. The driver of the car, (B-1) [redacted], was taken into custody. Officers then noticed movement from the trunk area and observed another person inside the trunk with the door partially open. While attempting to get the person in the trunk to surrender, that person opened fire towards the offices, who returned fire towards the parked vehicle. A third person, (B-2) [redacted], then began to yell from the back seat area of the car. [redacted] was taken safely into custody. (S-1) Duarte was taken out of the trunk area of the car, where CPR was performed. Duarte was later pronounced dead at the scene.

[redacted] were transported. A witness, (W-1) [redacted], who had recorded the incident on video, was also taken back to the Homicide office. In an interview, [redacted] said he was at home at his unit on Capp Street watching tv, when he yelling coming from outside. [redacted] saw Police Officers in the street yelling over a PA System to someone to 'Get your hands up'. [redacted] then heard a single shot. Approx. 5-10 seconds later, [redacted] watched at the Officers opened fire towards the black car parked in Capp Street. [redacted] said he continued to hear the Officers give verbal commands towards the black car.

[redacted] stated that he was walking home on 21st Street, towards Capp Street, when he saw [redacted] exiting his parked car. Both men exchanged pleasantries, and [redacted] continued walking n/b on Capp towards his home. As he was walking on the sidewalk, he saw an Hispanic male walking towards him, wearing a black baseball cap, with a black hoodie pulled over the cap. As [redacted] walked past the male, [redacted] turned around and watched as the male pulled out a silver handgun from his coat pocket and shove it into [redacted] stomach saying "give me your money cousin". Fearing for his life, [redacted] got out his wallet and gave the suspect $50-60 dollars. The suspect then ran s/b on Capp, where [redacted] thought he saw the suspect get into a black car. [redacted] made his way towards [redacted]. The two men flagged down a Patrol car and told the officers he had just been robbed and that the suspect had just got into a parked car around the corner.

[redacted] said he had just parked his car on 21/Capp Streets. [redacted] said he saw [redacted] walking towards him on 21st Street. Both men said hello and the other man then walked north on Capp Street. [redacted] then said he saw the suspect walking south on Capp Street towards the other male. [redacted] watched as the suspect pulled out a silver handgun and put it into the stomach area of the other male. [redacted] got scared and made his way back to his parked car to make a plea for help. [redacted] saw [redacted] give the suspect money, then watched as the suspect ran south on Capp Street. [redacted] didn't see the suspect get into any car.

[redacted] was interviewed and waived her rights. [redacted] said she was in the back seat of the car. She said that 'Adolfo' got into the car about 30 minutes before the shooting. She said that she, [redacted] and Adolfo drove around the Capp Street corridor for a while. Eventually [redacted] pulled over and Adolfo got out of the car for a short while. [redacted] said Adolfo got back inside the car, possibly in the trunk as she felt movement coming from the back of the car. [redacted] then said she heard the police giving commands and then heard the gunfire.

[redacted] was interviewed and waived his rights. [redacted] said he was driving around the City with [redacted] He said he picked up a female called [redacted] and took her to a restaurant on Mission and 23rd. [redacted] said he then picked up

'Dolf' (Duarte) at the McDonald's on 24/Mission. [redacted] referred to "Dolf' as 'Hijack'. [redacted] said Dolf showed him a firearm that he had concealed in a McDonald's bag. [redacted] said he touched the magazine. [redacted] said he was driving on Capp Street, when Dolf told [redacted] to pull over and open up his [redacted] trunk. Dolf then got out of the car, went into the trunk, then left the area. A short time later, Dolf returned to the car and jumped into the trunk area and told [redacted] to drive off. [redacted] said the Police stopped him on Capp/21st. As [redacted] was ordered out of the car, Dolf told [redacted] 'hey bro, I'm sorry to put you in this predicament, but I'm not going back to jail and i'm not going to get deported'. [redacted] was taken into custody and placed into the back of a patrol car.

[redacted] were booked at SF County Jail #1 for the above charges.

SFDPA - 0097-18 - 001768

FIELD WORK- Capp Street Canvassing **March 9, 2018**

3148 22ND Street
Store/Closed
Left Card

686 Capp Street
[redacted] –Spoke with her in-person. She did not see or hear shooting.
[redacted] – Not at home, but roommate ([redacted]) said he heard the shots.
Left Card, asked him to call us.

3144 22nd Street
3146 22nd Street
No answer, send letter.

[redacted] – Not at home. Name identified through mail.
Send Letter.

673 Capp Street
Seventh Day Adventist Church
No answer.
Send letters.

657 Capp Street- No answer. Left card, send letter.

657A- Capp Street-No answer. Left card, send letter.

657B- Capp Street-No answer. Left card, send letter.

657C- Capp Street-No answer. Left card, send letter.

655 Capp Street- No one home. Left card, send letter.

655A Capp Street- No one home. Left card, send letter.

655B Capp Street- No one home. Left card, send letter.

655C Capp Street- No one home. Left card, send letter.

655D Capp Street- No one home. Left card, send letter.

655E Capp Street- No one home. Left card, send letter.

[redacted]
Witnessed shooting/video recording.
He was watching TV when he heard the commotion. He saw 2 guys in the street with hands up. He started recording. He has 8 mins worth of footage. He provided SFPD with a copy. He was interviewed (recorded) by SFPD homicide (Gary? British accent) and the DA's office at the Hall of Justice.

[redacted]
Witnessed/ video recorded.
He recorded the close-up video. He sold it to channel 5 so he could not provide a copy. Inv. Calderon interviewed Lopez in Spanish.

639A Capp Street- no one home, left cards, send letter.

641 Capp Street- no one home, left cards, send letter.

641A Capp Street- no one home, left cards, send letter.

[redacted] Did not hear or see shooting.
[redacted] Heard shooting but did not see.

643A Capp Street- no one home, left cards, send letter.

Inv. Kevin Comer's Notes from OIS Witness Canvass on 03/09/18

Interview #1:

Inv. Walton and I spoke with [redacted]. She lives at [redacted] with her husband. On March 6th, Ms. [redacted] was at the back of her home when she heard a noise. She came to her front window where she saw between five to ten police cars, and approximately ten police officers. The officers had their guns drawn and pointed at a car. In her opinion, she had a perfect view of the incident although she could not see the back of the car the officers were focused on.

At this point, [redacted] saw a man in the middle of the road who was taken away, possibly removed and arrested by the police. [redacted] windows were closed so she couldn't perfectly hear what was being said. However, she did hear the police say, "Hands up!" She witnessed two men under her window throw their hands up and walk across the street. She later realized those two men lived in the neighborhood. She thinks they entered one of the homes on the other side of the street from [redacted]

The police kept yelling, "Get out with your hands up!" The officers started using a loud speaker. Through the loud speaker came a woman's voice saying, "Get out with your hands up," in both English and Spanish. The officers issued these commands for several minutes. Then there was a lot of gunfire. After the gunfire, the officers spoke to someone else in the car and asked them to get out with their hands up if they could. [redacted] took photos after this point. She saw other witnesses to the incident at watching from [redacted] or [redacted] and at [redacted].

[redacted] phone number is [redacted]. Her email is [redacted]

Interview #2:

I spoke with [redacted]. He does not live on Capp Street but his brother, [redacted], does. [redacted] lives at [redacted] and had told Brian he had witnessed the shooting. [redacted] was not home to be questioned because he works during the day as an electrician. [redacted] gave me [redacted] phone number.

[redacted] phone number is [redacted].

Interview #3:

Inv. Walton and I spoke with [redacted]. He lives in [redacted]. He did not see the incident. He did hear the gunshots, but he thought they were firecrackers. However, [redacted], [redacted], was outside when the incident occurred. According to Mr. [redacted], she saw the incident and then ran to her apartment building. She was in a phone conference and could not be interviewed, but Mr. [redacted] gave us her phone number.

[redacted] phone number is [redacted].

Interview #4:

Inv. Walton and I spoke with [redacted]. Mr. [redacted] wishes to remain anonymous. He was in bed when he heard a lot of shouting and sirens. He did not see any shooting. He did not recognize any of the officers, but there is a lot of police activity in the neighborhood. This police activity is usually related to the bar at the end of the street.

Interview #5:

Inv. Walton and I spoke with [redacted]. She was sick and in bed when the incident occurred, but her roommate, [redacted], told her he went outside to watch the incident. Mr. [redacted] was not at home. Ms. [redacted] did not know Mr. [redacted] phone number. However, she gave us her number to call and potentially speak with Mr. [redacted] through her phone.

[redacted] phone number is [redacted].

Interview #6:

I spoke with [redacted]. He does not live on Capp Street, but he works for a woman named [redacted] who lives at [redacted]. Mr. [redacted] doesn't know if she was home during the incident, but he gave me her phone number.

[redacted] phone number is [redacted].

DPA Fieldwork Briefing
OIS: Capp St and 20th St
3/8/18

Date of Incident: 3/6/18 at 10:36pm
Incident Address: 626 Capp St
Suspect/Victim: Mr. Jesus Adolph Delgado
Officer Info: 9 shooters and 7 witnesses
Witnesses ID'd by media: [redacted]

Canvass Location: Capp St between 20th and 21st
Documentation:

Address of Building/Apartment No/Housing No
Contact Info
What did you see?
What did you hear?
Did you know the officers involved?
Did you know the Mr. Jesus Adolfo Delgado?
Did you know the occupants in the vehicle that was stopped?
Do you have knowledge of any other witnesses?
Do you have knowledge of video or security camera?
If they are witnesses, please ask for a formal interview at a later time and hand them my business card or the flyer.


SEAL OF THE CITY AND COUNTY OF SAN FRANCISCO
DPA
San Francisco Department of Police Accountability

DPA

San Francisco Department of Police Accountability

The DPA is investigating an officer-involved shooting that occurred on March 6, 2018 on Capp St.

If you have information or video, please contact Investigator Carpenter at 415-241-7711

25 VAN NESS AVENUE, SUITE 700, SAN FRANCISCO, CA 94102 • TELEPHONE (415) 241-7711 • FAX (415) 241-7733 • TTY (415) 241-7770
WEBSITE: http://www.sfgov.org/dpa

SFDPA - 0097-18 - 001775

DPA
San Francisco Department of Police Accountability

Paul David Henderson
Interim Executive Director

March 8, 2018

Re: DPA Case No.0097-18

To Whom It May Concern:

The Department of Police Accountability (DPA) is a civilian-staffed San Francisco agency. The mission of the DPA is to promptly, fairly and impartially investigate complaints of police misconduct or allegations that a member of the San Francisco Police Department has not properly performed a duty. Did you witness the officer involved shooting on Tuesday, March 6th on Capp Street? If so, the Department of Police Accountability would like to talk to you. We are investigating the fatal police shooting and are searching for witnesses. If you witnessed what happened or know anyone else who did, please call or visit our offices and ask for Investigator Candace Carpenter or email me at candace.carpenter@sfgov.org.

Thank you for your attention in this important matter.

Sincerely,

[redacted]

Candace Carpenter
Investigator

OPERATION HOURS

OPERATION HOURS

MON - WED	8 AM - 9 PM
THR -	8 AM - 10 PM
FRI -	8 AM - 12 AM
SAT -	9 AM - 12 AM
SUN -	10 AM - 8 PM

OVERSIZE (TRUCK&VAN)
MUST PAY RATE +$10

MONTHLY

DAYTIME : $ 300
24 HOURS : $ 400
OVERSIZE (TRUCK&VAN) + $ 100

WEEKLY

DAYTIME : $ 100 OVERSIZE (TRUCK&VAN) +$ 50
24 HOURS : $ 150

OVERNIGHT

WEEKDAY : $ 20 UNTIL 8 AM $ 30 UNTIL 12 PM
WEEKEND : $ 25 $ 35

CUSTOMERS MUST LEAVE KEYS
WITH THE ATTENDANT.

NO IN&OUT / NO REFUND

CASh
ONLY

$7

OPERATION HOURS

OPERATION HOURS

MON - WED	8 AM - 9 PM
THR -	8 AM - 10 PM
FRI -	8 AM - 12 AM
SAT -	9 AM - 12 AM
SUN -	10 AM - 8 PM

OVERSIZE (TRUCK&VAN)
MUST PAY RATE +$10

MONTHLY

DAYTIME : $ 300
24 HOURS : $ 400
OVERSIZE (TRUCK&VAN) + $ 100

WEEKLY

DAYTIME : $ 100
24 HOURS : $ 150
OVERSIZE (TRUCK&VAN) +$ 50

OVERNIGHT

WEEKDAY : $ 20 UNTIL 8 AM $ 30 UNTIL 12 PM
WEEKEND : $ 25 $ 35

CUSTOMERS MUST LEAVE KEYS
WITH THE ATTENDANT.
NO IN & OUT / NO REFUND

CASh
ONLY


NISSAN


645
NISSAN

NISSAN • INFINITI

San Francisco

[redacted]

(415) 500-8000

SFDPA - 0097-18 - 001782


645
NISSAN

OPERATION HOURS

OPERATION HOURS

MON - WED	8 AM - 9 PM
THR -	8 AM - 10 PM
FRI -	8 AM - 12 AM
SAT -	9 AM - 12 AM
SUN -	10 AM - 8 PM

OVERSIZE (TRUCK&VAN)
MUST PAY RATE +$10

MONTHLY

DAYTIME : $ 300
24 HOURS : $ 400
OVERSIZE (TRUCK&VAN) + $ 100

WEEKLY

DAYTIME : $ 100 OVERSIZE (TRUCK&VAN) +$ 50
24 HOURS : $ 150

OVERNIGHT

WEEKDAY : $ 20 UNTIL 8 AM $ 30 UNTIL 12 PM
WEEKEND : $ 25 $ 35

CUSTOMERS MUST LEAVE KEYS
WITH THE ATTENDANT.

NO IN&OUT / NO REFUND

CASh
ONLY

OPERATION HOURS

OPERATION HOURS

MON - WED	8 AM - 9 PM
THR -	8 AM - 10 PM
FRI -	8 AM - 12 AM
SAT -	9 AM - 12 AM
SUN -	10 AM - 8 PM

OVERSIZE (TRUCK&VAN)
MUST PAY RATE +$10

MONTHLY

DAYTIME : $ 300
24 HOURS : $ 400
OVERSIZE (TRUCK&VAN) + $ 100

WEEKLY

DAYTIME : $ 100
24 HOURS : $ 150
OVERSIZE (TRUCK&VAN) +$ 50

OVERNIGHT

WEEKDAY : $ 20 UNTIL 8 AM $ 30 UNTIL 12 PM
WEEKEND : $ 25 $ 35

CUSTOMERS MUST LEAVE KEYS
WITH THE ATTENDANT.
NO IN & OUT / NO REFUND

CASh
ONLY

SFDPA - 0097-18 - 001785



SFDPA - 0097-18 - 001786




NISSAN



SFDPA - 0097-18 - 001789



SFDPA - 0097-18 - 001790

#16

San Francisco Police Department · Investigations Bureau
Biological Evidence Collection From Known Subject

CASE NUMBER	INSPECTOR NAME AND REQUESTING UNIT	DATE / TIME OF COLLECTION
[redacted]	M. BANDVIK #479	3-16-18 0856
LABORATORY NUMBER	**SUSPECT**	**INCIDENT DATE**
	[redacted]	3-6-18
CHARGE / OFFENSE	**COMPLAINANT / VICTIM**	**LOCATION OF COLLECTION**
211 PC		HOJ - HOMICIDE DETAIL

SUBJECT INFORMATION

NAME OF SUBJECT: [redacted] (Last name) [redacted] (First name)

DATE OF BIRTH: [redacted] SEX: M

PURPOSE OF COLLECTION: ☒ SUSPECT ☐ VICTIM ☐ OTHER _____ (Please describe)

CII / FBI / SFPD / CDL NUMBER: [redacted]

IF SUBJECT IS VOLUNTARILY PROVIDING SAMPLE, PLEASE PROVIDE SUBJECT'S SIGNATURE BELOW:

SIGNATURE: _____ WITNESSED BY: _____

COLLECTION INFORMATION

COURT ORDER / SEARCH WARRANT OBTAINED: ☒ YES ☐ NO ☐ N/A

☒ ORAL SWABS (4) ☐ PENILE SWABS (2) ☐ OTHER SWABS (Explain below)

[redacted]-H 000128

COMMENTS / NOTES: _____

NAME / STAR (Please print): Sgt. Martin Bandvik #479 DETAIL: HOMICIDE

PROPOSITION 69 SUSPECT REFERENCE COLLECTION ONLY (NOT PC 290 REGISTRANT)

☐ Based on a review of available law enforcement records, I certify that (1) a DNA sample from the named individual has not been previously collected for upload into CODIS and (2) the named individual qualifies for DNA sample collection. (initial)

BIOLOGICAL EVIDENCE INVENTORY

No.	Type of Swab(s) from Subject	Date Booked
1	(4) ORAL SWABS	3-16-18

RIGHT THUMB

[redacted]

SFPD 235b (05/06)

SFDPA - 0097-18 - 001791

CRIME SCENE INVESTIGATIONS VEHICLE PROCESSING REQUEST

Case #	Date:	Time:
[redacted]	**3/10/18**	**1600**
Request by:	Unit & Phone Number	Officer-in-Charge

Year	Make	Model	Color	License	Vin.
2017	**Honda**	**Accord**	**Black**	[redacted]	[redacted]

Please Process: Photo

Yes: ☒	No: ☐

Specify area of interest:
All areas, both interior, exterior and trunk

Please Process: Print

Yes: ☒	No: ☐

Specify area touched by suspect:
Driver's sterring wheel, drive rdoor handle, exterior of trunk where a person would open it

Items to be processed for prints

Please Process: Biological Evidence Recovery

Yes: ☒	No: ☐

Specify: Blood, Semen, or Saliva
Blood found in vehicle, specifically the trunk area

Please Process: Trace Evidence Recovery

Yes: ☐	No: ☐

Specify:

Other physical evidence to be collected

Yes: ☐	No: ☐

Specify:

Synopsis of Case:
Vehicle used in a 211/221 on Capp/21St. Victim's waived down passing SFPD patrol car, who initiated a felony stop, resulting in an OIS.

For Crime Lab Analysis use SFPD Form 64
Auto Return (450 7th Street) Fax (415) 621-5257

CSI/NI Pilot 06/01/03

SFDPA - 0097-18 - 001792

San Francisco Police Department
Gunshot Residue Data Sheet

Forensic Services Division

CASE NUMBER	REQU BY: STAR UNIT	CSO/ STAR
[redacted]	DITTMER 2277 HOMICIDE	

COMPLAINANT	OFFENSE	ARREST MADE	CSO/ STAR
SFPD	211 PC	X	

REMARKS/INSTRUCTIONS

SUBJECT INFORMATION

NAME OF SUBJECT: [redacted]
Last name First name

DATE OF BIRTH: [redacted] ☐ Living ☐ Deceased

PURPOSE OF COLLECTION: ☒ SUSPECT ☐ VICTIM ☐ OTHER _____ (Please describe)

CII / FBI / SFPD / CDL / SFMEO NUMBER: SF II [redacted]

SFPD-H 000130

COLLECTION INFORMATION

DATE AND TIME OF SHOOTING: 3/6/18 2236 NUMBER OF SHOTS FIRED: UNK

OCATION OF SHOOTING: ☐ INDOORS ☒ OUTDOORS ☒ IN VEHICLE ☐ UNKNOWN

DATE & TIME SUBJECT DETAINED: 3/6/18 2243

DATE & TIME GSR SAMPLES COLLECTED: 3/7/18 0130

LOCATION OF SUBJECT WHEN SAMPLES COLLECTED: HOMICIDE

WERE SUBJECT'S HANDS BAGGED? ☒ YES ☐ NO HANDS WASHED? ☐ YES ☐ NO

OCCUPATION: _____

FIREARM MAKE: _____ MODEL: _____ CALIBER: _____

AMMUNITION BRAND: _____ CALIBER: _____ # CARTRIDGE CASES COLLECTED: _____

NAME / STAR (Please print): DITTMER 2277 DETAIL: HOMICIDE

GSR EVIDENCE INVENTORY

No.	Collected from Above Subject	Date Booked
1	(1) RIGHT GSR SWAB (1) LEFT GSR SWAB	3/7/18

RIGHT THUMB

[redacted]

SFDPA - 0097-18 - 001793

San Francisco Police Department
Gunshot Residue Data Sheet

Forensic Services Division

CASE NUMBER	REQU BY: / STAR / UNIT	CSO/ STAR
[redacted]	DITTMER 2277 HOMICIDE	

COMPLAINANT	OFFENSE	ARREST MADE	CSO/ STAR
SFPD	211 PC	☒	

REMARKS/INSTRUCTIONS

SUBJECT INFORMATION

NAME OF SUBJECT: [redacted] (Last name / First name)

DATE OF BIRTH: [redacted] ☒ Living ☐ Deceased

PURPOSE OF COLLECTION: ☒ SUSPECT ☐ VICTIM ☐ OTHER _____ (Please describe)

CII / FBI / SFPD / CDL / SFMEO NUMBER: NONE

COLLECTION INFORMATION

SFPD-H 000131

DATE AND TIME OF SHOOTING: 3/6/18 2236 NUMBER OF SHOTS FIRED: UNK

LOCATION OF SHOOTING: ☐ INDOORS ☒ OUTDOORS ☒ IN VEHICLE ☐ UNKNOWN

DATE & TIME SUBJECT DETAINED: 3/6/18 2243

DATE & TIME GSR SAMPLES COLLECTED: 3/7/18 0115

LOCATION OF SUBJECT WHEN SAMPLES COLLECTED: HOMICIDE

WERE SUBJECT'S HANDS BAGGED? ☒ YES ☐ NO HANDS WASHED? ☐ YES ☐ NO

OCCUPATION: _____

FIREARM MAKE: _____ MODEL: _____ CALIBER: _____

AMMUNITION BRAND: _____ CALIBER: _____ # CARTRIDGE CASES COLLECTED: _____

NAME / STAR (Please print): DITTMER 2277 DETAIL: HOMICIDE

GSR EVIDENCE INVENTORY

No.	Collected from Above Subject	Date Booked
1	(1) RIGHT GSR SWAB (1) LEFT GSR SWAB	3/7/18

[redacted]

SFDPA - 0097-18 - 001794

ADDITIONAL NARRATIVE / EXPLANATION OF REQUEST

FORENSIC SERVICES DIVISION USE ONLY

SFPD-H 000152

SFDPA - 0097-18 - 001795

REQUIRED INFORMATION	☐ HOMICIDE ☒ OFFICER INVOLVED SHOOTING ☐ IN CUSTODY DEATH ☐ NONE OF THE ABOVE	☒ ADA ASSIGNED TO CASE AEJEAN CHA ☒ CONTACT NUMBER 551-9513 ☐ ADA NOT YET ASSIGNED TO CASE
REQUESTED BY / CONTACT NUMBER SGT PARKER/ 415 423-7579		APPROVED BY / CONTACT NUMBER LT YU /415 609-9137 [redacted]
RANK / STAR Q52/ #462	**SGT. BARRY PARKER #462** **San Francisco Police Department** **Homicide Detail**	RANK / STAR Q80 /#2248

SFDPA - 0097-18 - 001796

San Francisco Police Department Crime Laboratory Examination Request

CASE NUMBER (DEPARTMENT)	NAME OF STATION OR UNIT REQUESTING (NOT CALL SIGN)	DATE OF REQUEST
[redacted]	HOMICIDE	3/15/2018
LABORATORY NUMBER	SUSPECT	DATE OF OCCURRENCE
	DELGADO-DUARTE, JESUS	3/6/2018
CHARGE	COMPLAINANT / VICTIM	OTHER NUMBER
	SFPD	

DESCRIPTION OF EVIDENCE AND EXAMINATION REQUEST

Priority Classification: Immediate

PLEASE NOTE

1. SUBMIT A SEPARATE LABORATORY EXAMINATION REQUEST FOR (SFPD 64) FOR EACH SFPD INCIDENT NUMBER.
2. WHEN COMPARISON OF ITEMS IN MULITPLE INCIDENT IS REQUIRED, SUBMIT AN SFPD 64 FOR EACH INCIDENT NUMBER.
3. ATTACH A COPY OF THE INITIAL NARRATIVE POLICE REPORT, QPRL EVIDENCE SHEET AND AVAILABLE CSI DOCUMENTATION.

☐ BIOLOGY / DNA

☐ BIOLOGICAL SCREENING: EXAMINE FOR THE PRESENCE OF ☐ **BLOOD** ☐ **SEMEN** ☐ **SALIVA** ☐ **OTHER** (Circle all that apply)

☐ DNA COMPARISON:

☐ TYPE EVIDENCE SAMPLES IN BAG NUMBER _____ AT PCD

☐ COMPARE WITH SUSPECT REFERENCE SAMPLE(S) IN BAG NUMBER _____ AT PCD

☐ COMPARE WITH VICTIM REFERENCE SAMPLE(S) IN BAG NUMBER _____ AT PCD

☐ DOES SUSPECT REFERENCE QUALIFY FOR ENTRY INTO CODIS (Bureau Order 06-003 / PC 295-297); BAG NUMBER _____ AT PCD

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

☒ FIREARMS / TOOLMARKS

☒ NIBIN / OPEN CASE FILE ☒ FIREARM(S) (QUANTITY) 12 ☒ FIRED BULLET(S) / CASING(S)

☐ COMPARISON WITH OTHER SFPD INCIDENTS): (See #2 above)

☐ OTHER (i.e. SERIAL NUMBER RESTORATION / DISTANC DETERMINATION / TOOLMARK COMPARISON)

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

PLEASE CHECK OPERABILITY OF EACH FIREARM AND ENTER INTO NIBIN FOR ANY ASSOCIATED CRIMES.
PLEASE ENTER SPENT CASINGS INTO NIBIN FOR ANY ASSOCIATED CRIMES

OTHER REQUEST

(Check category and provide description of request below)

☐ **GUNSHOT RESIDUE** ☐ **QUESTIONED DOCUMENTS** ☐ **FOOTWEAR IMPRESSION**

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

SFPD-H 000150

SFDPA - 0097-18 - 001797

ADDITIONAL NARRATIVE / EXPLANATION OF REQUEST

FORENSIC SERVICES DIVISION USE ONLY

SFPD-H 000149

SFDPA - 0097-18 001498

REQUIRED INFORMATION	☐ HOMICIDE ☒ OFFICER INVOLVED SHOOTING ☐ IN CUSTODY DEATH ☐ NONE OF THE ABOVE	☒ ADA ASSIGNED TO CASE AEJEAN CHA ☒ CONTACT NUMBER 415 551-9513 ☐ ADA NOT YET ASSIGNED TO CASE
REQUESTED BY / CONTACT NUMBER SGT PARKER/ 415 423-7579		APPROVED BY / CONTACT NUMBER LT YU/ 415 609-9137
RANK / STAR Q-52/ #462	**SGT. BARRY PARKER #462** **San Francisco Police Department** **Homicide Detail**	RANK / STAR Q-60/ #2248 [redacted]

SFPD-H 000148

DOUBLE – SIDED FORM (OVER) SFPD 64 Rev 07/06

SFDPA - 0097-18 - 001799

San Francisco Police Department — Crime Laboratory Examination Request

CASE NUMBER (DEPARTMENT)	NAME OF STATION OR UNIT REQUESTING (NOT CALL SIGN)	DATE OF REQUEST
[redacted]	HOMICIDE	3/15/2018
LABORATORY NUMBER	SUSPECT	DATE OF OCCURRENCE
	DELGADO-DUARTE, JESUS	3/6/2018
CHARGE	COMPLAINANT / VICTIM	OTHER NUMBER
	SFPD	

DESCRIPTION OF EVIDENCE AND EXAMINATION REQUEST

Priority Classification: Immediate

PLEASE NOTE

1. SUBMIT A SEPARATE LABORATORY EXAMINATION REQUEST FOR (SFPD 64) FOR EACH SFPD INCIDENT NUMBER.
2. WHEN COMPARISON OF ITEMS IN MULITPLE INCIDENT IS REQUIRED, SUBMIT AN SFPD 64 FOR EACH INCIDENT NUMBER.
3. ATTACH A COPY OF THE INITIAL NARRATIVE POLICE REPORT, QPRL EVIDENCE SHEET AND AVAILABLE CSI DOCUMENTATION.

☒ BIOLOGY / DNA

☒ BIOLOGICAL SCREENING: EXAMINE FOR THE PRESENCE OF ☐ **BLOOD** ☐ **SEMEN** ☐ **SALIVA** ☒ **OTHER** (Circle all that apply)

☐ DNA COMPARISON:
- ☐ TYPE EVIDENCE SAMPLES IN BAG NUMBER _____ AT PCD
- ☐ COMPARE WITH SUSPECT REFERENCE SAMPLE(S) IN BAG NUMBER _____ AT PCD
- ☐ COMPARE WITH VICTIM REFERENCE SAMPLE(S) IN BAG NUMBER _____ AT PCD

☐ DOES SUSPECT REFERENCE QUALIFY FOR ENTRY INTO CODIS (Bureau Order 06-003 / PC 295-297); BAG NUMBER _____ AT PCD

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

PLEASE TEST SWABS FOR THE PRESENCE OF DNA

☐ FIREARMS / TOOLMARKS

☐ NIBIN / OPEN CASE FILE ☐ FIREARM(S) (QUANTITY) _____ ☐ FIRED BULLET(S) / CASING(S)

☐ COMPARISON WITH OTHER SFPD INCIDENTS): (See #2 above)

☐ OTHER (i.e. SERIAL NUMBER RESTORATION / DISTANC DETERMINATION / TOOLMARK COMPARISON)

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

OTHER REQUEST

(Check category and provide description of request below)

☐ **GUNSHOT RESIDUE** ☐ **QUESTIONED DOCUMENTS** ☐ **FOOTWEAR IMPRESSION**

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

SFPD-H 000147

SFDPA - 0097-18 - 001800

ADDITIONAL NARRATIVE / EXPLANATION OF REQUEST

FORENSIC SERVICES DIVISION USE ONLY

SFDPA - 0097-18 - 001301

REQUIRED INFORMATION	☐ HOMICIDE ☒ OFFICER INVOLVED SHOOTING ☐ IN CUSTODY DEATH ☐ NONE OF THE ABOVE	☒ ADA ASSIGNED TO CASE AEJEAN CHA ☒ CONTACT NUMBER 415 551-9513 ☐ ADA NOT YET ASSIGNED TO CASE
REQUESTED BY / CONTACT NUMBER SGT. PARKER/ 415 423-7579		APPROVED BY / CONTACT NUMBER LT. YU/ 415 609-9137
RANK / STAR Q-52/ #462		RANK / STAR Q-60/ #2248

SGT. BARRY PARKER #462
San Francisco Police Department
Homicide Detail

[redacted]

SFPD-H 000145

SFDPA - 0097-18 SFPD 0002

San Francisco Police Department — Crime Laboratory Examination Request

CASE NUMBER (DEPARTMENT)	NAME OF STATION OR UNIT REQUESTING (NOT CALL SIGN)	DATE OF REQUEST
[redacted]	HOMICIDE	3/15/2018
LABORATORY NUMBER	**SUSPECT**	**DATE OF OCCURRENCE**
	DELGADO-DUARTE, JESUS	3/6/2018
CHARGE	**COMPLAINANT / VICTIM**	**OTHER NUMBER**
	SFPD	

DESCRIPTION OF EVIDENCE AND EXAMINATION REQUEST

Priority Classification: Immediate

PLEASE NOTE

1. SUBMIT A SEPARATE LABORATORY EXAMINATION REQUEST FOR (SFPD 64) FOR EACH SFPD INCIDENT NUMBER.
2. WHEN COMPARISON OF ITEMS IN MULITPLE INCIDENT IS REQUIRED, SUBMIT AN SFPD 64 FOR EACH INCIDENT NUMBER.
3. ATTACH A COPY OF THE INITIAL NARRATIVE POLICE REPORT, QPRL EVIDENCE SHEET AND AVAILABLE CSI DOCUMENTATION.

☒ BIOLOGY / DNA

☒ BIOLOGICAL SCREENING: EXAMINE FOR THE PRESENCE OF ☐ **BLOOD** ☐ **SEMEN** ☐ **SALIVA** ☒ **OTHER** (Circle all that apply)

☒ DNA COMPARISON:
- ☒ TYPE EVIDENCE SAMPLES IN BAG NUMBER 019 AT PCD
- ☒ COMPARE WITH SUSPECT REFERENCE SAMPLE(S) IN BAG NUMBER 052 AT PCD
- ☐ COMPARE WITH VICTIM REFERENCE SAMPLE(S) IN BAG NUMBER _____ AT PCD

☐ DOES SUSPECT REFERENCE QUALIFY FOR ENTRY INTO CODIS (Bureau Order 06-003 / PC 295-297); BAG NUMBER _____ AT PCD

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

PLEASE COMPARE ANY DNA FOUND ON THE FIREARM WITH THE BOOD SAMPLE TAKEN FROM SUSPECT

☐ FIREARMS / TOOLMARKS

☐ NIBIN / OPEN CASE FILE ☐ FIREARM(S) (QUANTITY) _____ ☐ FIRED BULLET(S) / CASING(S)

☐ COMPARISON WITH OTHER SFPD INCIDENTS): (See #2 above)

☐ OTHER (i.e. SERIAL NUMBER RESTORATION / DISTANC DETERMINATION / TOOLMARK COMPARISON)

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

OTHER REQUEST

(Check category and provide description of request below)

☐ **GUNSHOT RESIDUE** ☐ **QUESTIONED DOCUMENTS** ☐ **FOOTWEAR IMPRESSION**

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

SFPD-H 000144

SFDPA - 0097-18 - 001803

DOUBLE – SIDED FORM (OVER) SFPD 64 rev 07/06

ADDITIONAL NARRATIVE / EXPLANATION OF REQUEST

FORENSIC SERVICES DIVISION USE ONLY

SFPD-H 000143

SFDPA - 0097-18 - 001804

REQUIRED INFORMATION	☐ HOMICIDE ☒ OFFICER INVOLVED SHOOTING ☐ IN CUSTODY DEATH ☐ NONE OF THE ABOVE	☒ ADA ASSIGNED TO CASE AEJEAN CHA ☒ CONTACT NUMBER 415 551-9513 ☐ ADA NOT YET ASSIGNED TO CASE
REQUESTED BY / CONTACT NUMBER SGT. PARKER/ 415 423-7579		APPROVED BY / CONTACT NUMBER LT. YU/ 415 609-9137 [redacted]
RANK / STAR Q-52/ #462		RANK / STAR Q-60/ #2248

SGT. BARRY PARKER #462
San Francisco Police Department
Homicide Detail

SFPD-H 000142

SFDPA - 0097-18 - 001805

#16

San Francisco Police Department Crime Laboratory Examination Request

CASE NUMBER (DEPARTMENT)	NAME OF STATION OR UNIT REQUESTING (NOT CALL SIGN)	DATE OF REQUEST
[redacted]	HOMICIDE	3/15/2018
LABORATORY NUMBER	SUSPECT	DATE OF OCCURRENCE
	DELGADO-DUARTE, JESUS	3/6/2018
CHARGE	COMPLAINANT / VICTIM	OTHER NUMBER
	SFPD	

DESCRIPTION OF EVIDENCE AND EXAMINATION REQUEST

Priority Classification: Immediate

PLEASE NOTE

1. SUBMIT A SEPARATE LABORATORY EXAMINATION REQUEST FOR (SFPD 64) FOR EACH SFPD INCIDENT NUMBER.
2. WHEN COMPARISON OF ITEMS IN MULITPLE INCIDENT IS REQUIRED, SUBMIT AN SFPD 64 FOR EACH INCIDENT NUMBER.
3. ATTACH A COPY OF THE INITIAL NARRATIVE POLICE REPORT, QPRL EVIDENCE SHEET AND AVAILABLE CSI DOCUMENTATION.

☐ BIOLOGY / DNA

☐ BIOLOGICAL SCREENING: EXAMINE FOR THE PRESENCE OF ☐ **BLOOD** ☐ **SEMEN** ☐ **SALIVA** ☐ **OTHER** (Circle all that apply)

☐ DNA COMPARISON:
- ☐ TYPE EVIDENCE SAMPLES IN BAG NUMBER _____ AT PCD
- ☐ COMPARE WITH SUSPECT REFERENCE SAMPLE(S) IN BAG NUMBER _____ AT PCD
- ☐ COMPARE WITH VICTIM REFERENCE SAMPLE(S) IN BAG NUMBER _____ AT PCD

☐ DOES SUSPECT REFERENCE QUALIFY FOR ENTRY INTO CODIS (Bureau Order 06-003 / PC 295-297); BAG NUMBER _____ AT PCD

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

☐ FIREARMS / TOOLMARKS

☐ NIBIN / OPEN CASE FILE ☐ FIREARM(S) (QUANTITY) _____ ☐ FIRED BULLET(S) / CASING(S)

☐ COMPARISON WITH OTHER SFPD INCIDENTS): (See #2 above)

☐ OTHER (i.e. SERIAL NUMBER RESTORATION / DISTANC DETERMINATION / TOOLMARK COMPARISON)

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

OTHER REQUEST

(Check category and provide description of request below)

☒ **GUNSHOT RESIDUE** ☐ **QUESTIONED DOCUMENTS** ☐ **FOOTWEAR IMPRESSION**

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

PLEASE TEST GSR SAMPLE KIT FOR THE PRESENCE OF GSR

SFPD-H 000141

SFDPA - 0097-18 - 001806

#137

Office of the Chief Medical Examiner, City and County of San Francisco
Division: **Forensic Laboratory Division**
Document Name: **Evidence and Biological Specimen Release Record**
Document ID: **FRM-0165-2.1**

Items Released:

Laboratory or SFME Case Number:	[redacted]
Subject (Last Name, First Name):	Delgado-Duarte, Jesus
Type of Sample:	Blood spot, left fingernails scrapings all fingers, right fingernails scrapings all fingers, ME seal, control swab-wet, control swab-dry, L hand swab-wet, L hand swab-dry, R hand swab-wet, R hand swab-dry, projectile 1 R tennis shoe, projectile 2 boxer shorts, projectile 3 deformed CJ lead bullet jacket, projectile 4 L. arm S. tissue, projectile 5 L. Retroperiton., projectile 6 R. chest wall soft tis. fragments C. jacket, projectile 7 R. chest cavity, projectile 8 R. chest cavity, projectile 9 R. hip soft tiss, projectile 10 base of skull, projectile 11 R. upper leg ant. soft tiss, projectile 12 R. back scapula soft tis, projectile 13 L. hip soft tiss, projectile 14 R. femur bone, projectile 15 L. palm soft tiss jacket frag, GSR L/R hands, L handbag, & R handbag
Number of Items:	28

Released by Employee:

Name:	Justin Volk
Signature:	[redacted]
Date and Time:	03/12/2018 @ 1440

Release indicates that name and log number of this specimen has been checked.

SFPD-H 000153

Received by:

Name and Badge No.:	Sgt. Martin Bandvik #479
Signature:	[redacted] #479
Office or Department:	**SFPD-HOMICIDE**
Phone Number:	415-553-9247

Storage in other than recommended conditions could affect the re-testability of the sample. All biological samples have the potential of transmitting disease. Samples should be refrigerated when not needed in the courtroom. All biohazard precautions should be followed in any handling or transmission of this specimen.

Items Returned by: **Received by:**

Name:		Name:	
Date and Time:		Date and Time:	
Phone Number:		Indicate if any specimens are missing or broken:	

SFDBA - 0097.18 - 001807

Department of Motor Vehicles Image - CAL-PHOTO

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:

[redacted]

[redacted] **EXPIRES:** 08/16/2019 **CLASS:** F **SEX:** M

HAIR: [redacted] **EYES:** BRN **HEIGHT:** [redacted] **WEIGHT:** [redacted]

DATE OF BIRTH: [redacted]

ADDRESS: [redacted]

PHOTO DATE:	**PHOTO OFFICE:**	**APPLICATION DATE:**	**APPLICATION OFFICE:**
[redacted]	503	[redacted]	599
ISSUE DATE: N/A	**ISSUE OFFICE:** N/A	**RESTRICTIONS:**	
PHOTO SEQ #: 4883		**ENDORSEMENTS:**	

[redacted]

SIGNATURE: [redacted]

FINGERPRINT:

[redacted]

This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date:_____ /s/_____

SFPD-H 000277

SFDPA - 0097-18 - 001808

Role	Name/Last, First	Race/Sex	DOB
S1	DELGADO DUARTE, JESUS ADOLFO	HM	[redacted]
AKA			
AKA			

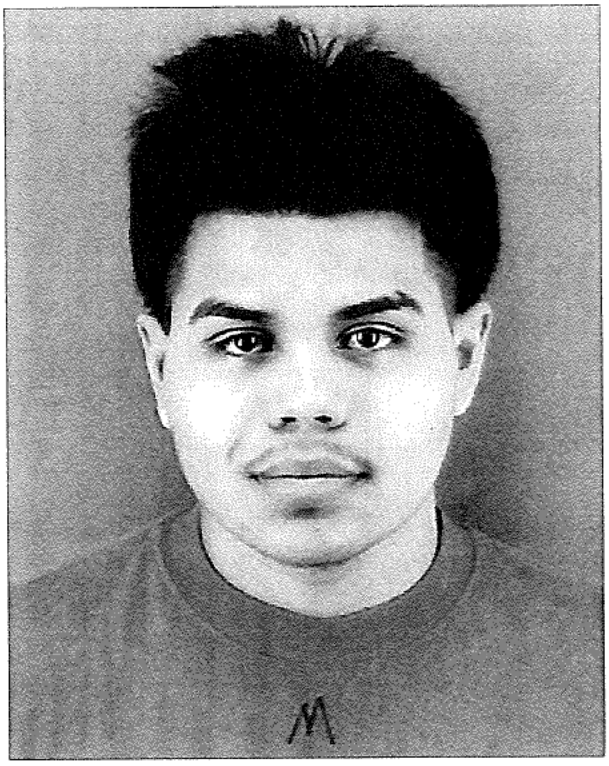
Computer Query Format	Comment(s)/Result(s) of Query
Wants/Warrants **N**	☑ None
SF Criminal History **QRAP**	☐ None [redacted]
CA Criminal History **QHY**	☐ None [redacted]
US Criminal History **R-QH**	☐ None [redacted]
Driver's License **M**	☑ None
Probation **QPRO**	☑ None
Parole Status **QSR1/QSR2**	☐ None
Sex and Arson Registration **QS1**	☑ None
Previous Reports **QALL**	☐ None ☑ See Attached
Active Court Cases	☑ None

SFPD-H 000281

Case Number	Court Number
[redacted]	SFDPA - 0097-18 - 001809

SAN FRANCISCO
POLICE DEPARTMENT
MUGSHOT PROFILE

NAME:	JESUS A DELGADO-DUARTE
AKA:	,
AKA:	,
MONIKER:	
SF#:	[redacted]
JAIL #:	[redacted]
BOOKING DATE:	09-20-2017
DATE OF BIRTH:	12-25-1998
PLACE OF BIRTH:	
SOCIAL SECURITY #:	
CII#:	
CA DRIVERS LIC #:	



PHYSICAL DESCRIPTION

SEX:	MALE
RACE:	HISPANIC
HEIGHT:	5'05"
WEIGHT:	145
EYE COLOR:	BROWN
HAIR COLOR:	BLACK
GLASSES:	No
BUILD:	MEDIUM
COMPLEXION:	CLEAR
EYE CHARACTERISTICS:	
FACIAL HAIR:	MUSTACHE ONLY
HAIR LENGTH:	ABOVE EARS

SCARS/MARKS/TATTOOS

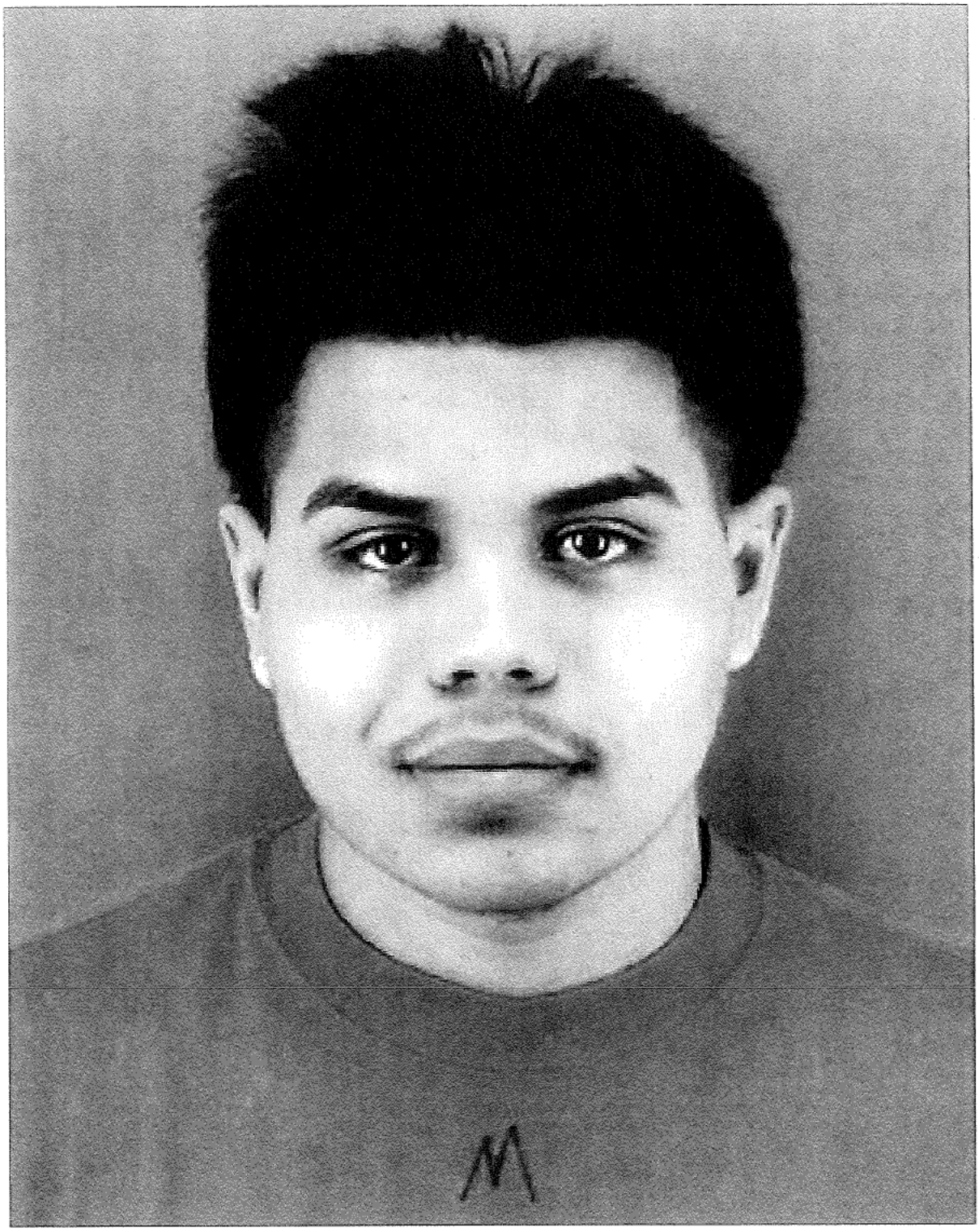
#1.:
#2.:
#3.:

#1.:	21310	F	CARRY CON/DIRK OR DAGGER
#2.:	21453 (D)	I	PED AGAINST RED LIGHT/ETC
#3.:			
#4.:			
#5.:			
#6.:			
#7.:			
#8.:			
#9.:			
#10.:			

SFPD-H 000282

SFDPA - 0097-18 - 001810

[redacted]



SFDPA - 0097-18 - 001811

[redacted]

2/7/18

Role	Name/Last, First	Race/Sex	DOB
S 3	[redacted]	H F	[redacted]
	[redacted]		
AKA			
AKA			

Computer Query Format	Comment(s)/Result(s) of Query
Wants/Warrants **N**	☑ None
SF Criminal History **QRAP**	☑ None [redacted]
CA Criminal History **QHY**	☑ None
US Criminal History **R-QH**	☑ None
Driver's License **M**	☑ None [redacted]
Probation **QPRO**	☑ None
Parole Status **QSR1/QSR2**	☑ None
Sex and Arson Registration **QS1**	☑ None
Previous Reports **QALL**	☑ None ☐ See Attached
Active Court Cases	☐ None

SFPD-H 000374

Case Number	Court Number
18 [redacted]	SFDPA - 0097-18 - 001812

SAN FRANCISCO
POLICE DEPARTMENT
MUGSHOT PROFILE

NAME: [redacted]

AKA: ,

AKA: ,

MONIKER:

SF#: [redacted]

JAIL #: [redacted]

BOOKING DATE: [redacted]

DATE OF BIRTH: [redacted]

PLACE OF BIRTH: CALIFORNIA USA

SOCIAL SECURITY #:

CII#:

CA DRIVERS LIC #:

PHYSICAL DESCRIPTION

SEX: FEMALE

RACE: HISPANIC

HEIGHT: [redacted]

WEIGHT: [redacted]

EYE COLOR: [redacted]

HAIR COLOR: [redacted]

GLASSES: [redacted]

BUILD: [redacted]

COMPLEXION: [redacted]

EYE CHARACTERISTICS:

FACIAL HAIR: [redacted]

HAIR LENGTH: [redacted]

SCARS/MARKS/TATTOOS

#1.:

#2.:

#3.:

A [redacted]

[redacted] (1)

#2.: [redacted]

#3.:

#4.:

#5.:

#6.:

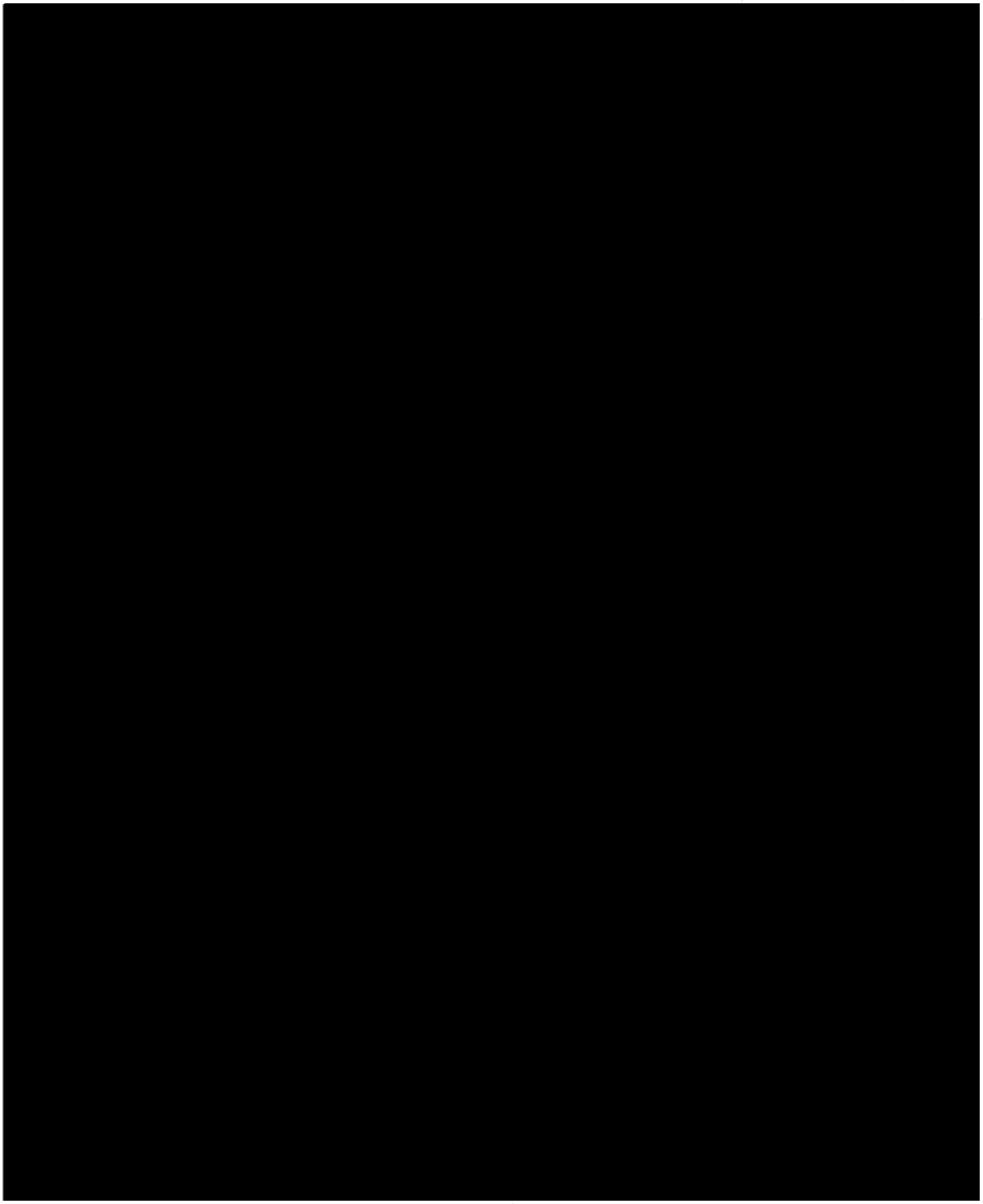
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#8.:

#9.:

#10.:

SFDPA - 0097-18 - 001813



SFDPA - 0097-18 - 001814

Role	Name/Last, First	Race/Sex	DOB
SZ	[redacted]	HM	[redacted]
	[redacted]		
AKA			
AKA			

Computer Query Format	Comment(s)/Result(s) of Query
Wants/Warrants **N**	☐ None
SF Criminal History **QRAP**	☐ None [redacted]
CA Criminal History **QHY**	☐ None [redacted]
US Criminal History **R-QH**	☐ None [redacted]
Driver's License **M**	☐ None [redacted]
Probation **QPRO**	☐ None
Parole Status **QSR1/QSR2**	☐ None
Sex and Arson Registration **QS1**	☐ None
Previous Reports **QALL**	☐ None ☑ See Attached
Active Court Cases	☐ None

SFPD-H 000333

Case Number	Court Number
[redacted]	SFDPA - 0097-18 - 001815

SAN FRANCISCO
POLICE DEPARTMENT
MUGSHOT PROFILE

NAME: [redacted]

AKA: [redacted]

AKA:

MONIKER:

SF#: [redacted]

JAIL #: [redacted]

BOOKING DATE: [redacted]

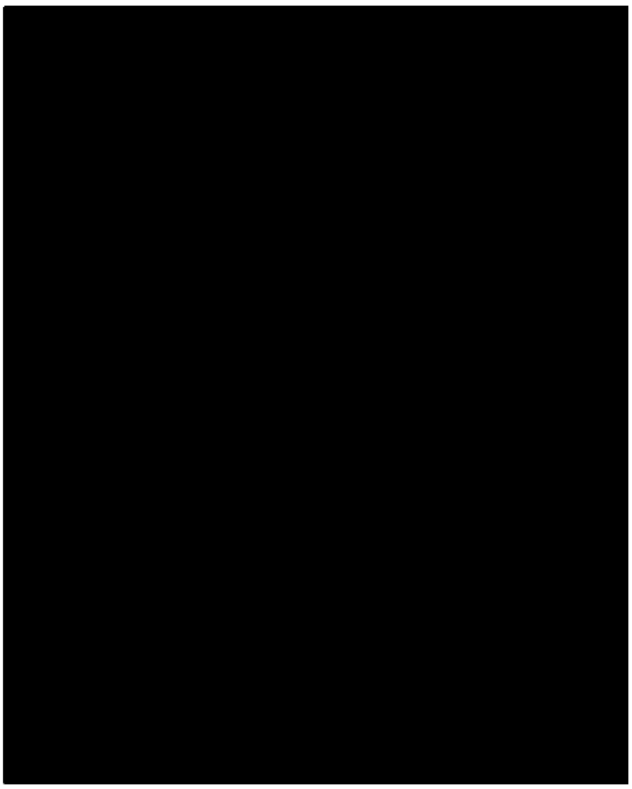
DATE OF BIRTH: [redacted]

PLACE OF BIRTH: CALIFORNIA USA

SOCIAL SECURITY #:

CII#: [redacted]

CA DRIVERS LIC #: [redacted]



PHYSICAL DESCRIPTION

SEX: MALE

RACE: [redacted]

HEIGHT: [redacted]

WEIGHT: [redacted]

EYE COLOR: BROWN

HAIR COLOR: BLACK

GLASSES: [redacted]

BUILD: [redacted]

COMPLEXION: [redacted]

EYE CHARACTERISTICS:

FACIAL HAIR: [redacted]

HAIR LENGTH: [redacted]

SCARS/MARKS/TATTOOS

#1.:

#2.:

#3.:

#1.: [redacted]

#2.: [redacted]

#3.:

#4.:

#5.:

#6.:

#7.:

#8.:

#9.:

#10.:

SFPD-H 000338

SFDPA - 0097-18 - 001816

[redacted]

2/7/19

Department of Motor Vehicles Image - CAL-PHOTO

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:

[redacted]

[redacted] **EXPIRES:** [redacted] **CLASS:** F **SEX:** M

HAIR: BLK **EYES:** BRN **HEIGHT:** [redacted] **WEIGHT:** [redacted]

DATE OF BIRTH: [redacted]

ADDRESS: [redacted]

PHOTO DATE: [redacted]
PHOTO OFFICE: 599
APPLICATION DATE: [redacted]
APPLICATION OFFICE: 503

ISSUE DATE: N/A
ISSUE OFFICE: N/A
RESTRICTIONS:

PHOTO SEQ #: 4560
ENDORSEMENTS:

[redacted]

SIGNATURE: [redacted]

FINGERPRINT: [redacted]

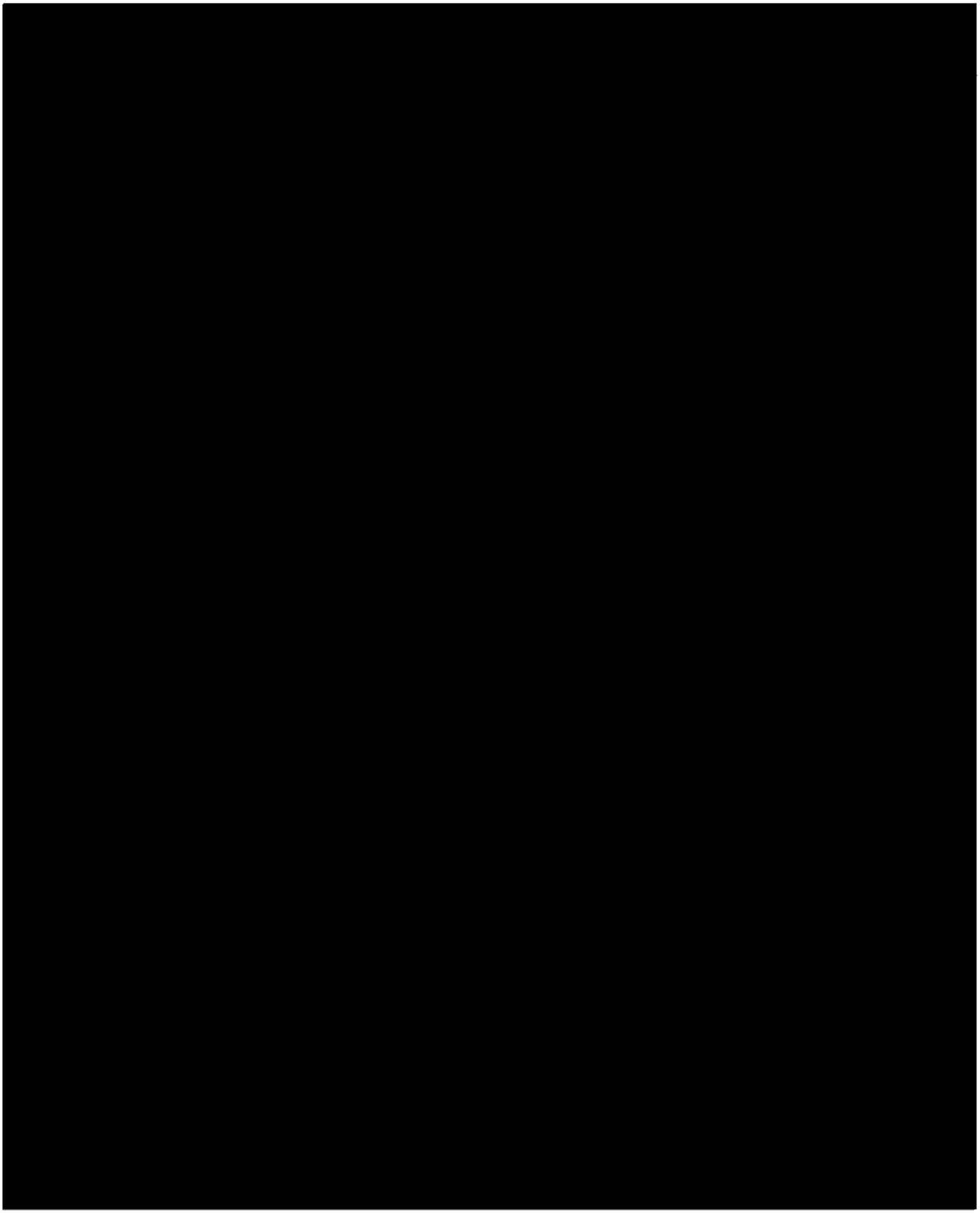
This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date:_____ /s/_____

SFPD-H 000352

SFDPA - 0097-18 - 001817

[redacted]



SFDPA - 0097-18 - 001818



0097-18

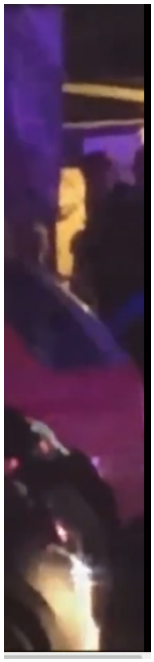
KPIX Video

Witness Video Angles:





Bystanders or Officers:



Bystander:



Witnesses Interviewed by CBS:

Heard officers give “instructions” for 5-10 minutes before hearing bullets:



Ducked for cover inside his home:



Possible name of decedent: Jesus Delgado

http://sanfrancisco.cbslocal.com/2018/03/07/activists-rally-for-man-fatally-shot-by-sfpd-in-mission/

http://sanfrancisco.cbslocal.com/2018/03/13/mission-district-fatal-ois-jesus-adolfo-delgado-duarte-town-hall-meeting/

http://www.ktvu.com/news/video-released-10-sfpd-officers-fire-99-rounds-kill-armed-robbery-suspect-hiding-in-trunk

https://missionlocal.org/2018/03/community-clashes-with-sfpd-at-town-hall-on-officer-involved-shooting/

http://abc7news.com/bodycam-video-released-of-san-francisco-officer-involved-shooting/3208158/



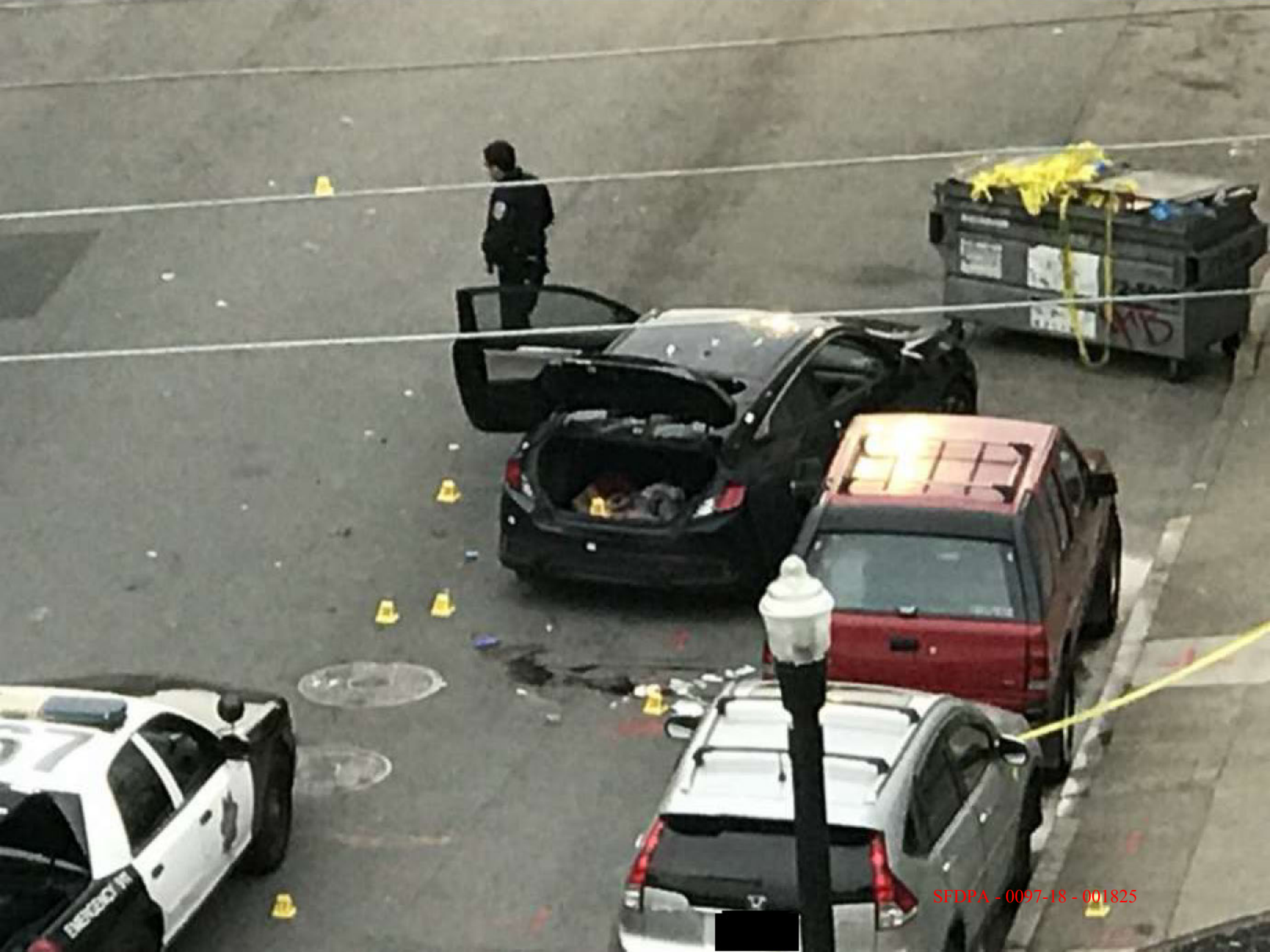
SFDPA - 0097-18 - 001822



SFDPA - 0097-18 - 001823



SFDPA - 0097-18 - 001824



SFDPA - 0097-18 - 001825

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

MEDIA ADVISORY

March 9, 2018
18-010

Town Hall Meeting

A town hall meeting will be held on **Monday, March 12, 2018 at 6:00 PM** to provide the community with an update on the investigation of the officer involved shooting that occurred on Capp Street and 21st Street on Tuesday, March 6th.

This town hall meeting will be held at **the Cesar Chavez School**, located at **825 Shotwell Street.**

###

Tel. 1-415-837-7395
Fax 1-415-837-7249
E-mail: sfpdmediarelations@sfgov.org

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SFDPA - 0097-18 - 001826

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

NEWS RELEASE

March 7, 2018
18-035

Mission District Armed Robbery Investigation Leads to Officer Involved Shooting

On March 6, 2018 at approximately 10:36 PM, uniformed San Francisco Police Department officers in a marked police car were flagged down at 20th and Capp Streets by two victims of an armed robbery. The victims provided the officers with a suspect vehicle description.

Shortly thereafter, officers located the suspect vehicle, a black Honda Civic, on Capp Street between 21st and 22nd Streets and ordered the suspects out of the car. The driver complied and was detained.

The officers noticed that the vehicle's trunk was ajar and saw a second suspect in the trunk. While attempting to detain the second suspect, an officer involved shooting occurred.

The officers ordered a third suspect from the vehicle and detained her. Officers removed the suspect from the trunk, administered medical aid and summoned an ambulance. Unfortunately, despite lifesaving efforts, the suspect was declared deceased on the scene.

A handgun was located in the trunk of the vehicle.

The two robbery victims were transported to Mission Station for interviews.

This is an active and ongoing investigation in the early stages. Several separate investigations are being conducted by the SFPD Homicide Detail, the San Francisco District Attorneys' Office Independent Investigation Bureau, the San Francisco Department of Police Accountability, the SFPD Internal Affairs Division and the Office of the Chief Medical Examiner.

Continued:

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SFDPA - 0097-18 - 001827

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NEWS RELEASE

Anyone with information regarding this incident is asked to call the SFPD 24 Hour Tip Line at (415) 575-4444 or Text a Tip to TIP411 and begin the text message with SFPD. You may remain anonymous.

Additional information will be released as it becomes available. As part of our commitment towards transparency and accountability, a town hall meeting regarding this officer involved shooting will be held within ten days.

###

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SFDPA - 0097-18 - 001828

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

NEWS RELEASE

[redacted]

[redacted] to Address the March 6, 2018 Officer Involved Shooting

Synopsis:

March 6, 2018 at approximately 11:00 pm

- Two uniformed officers in a marked SFPD vehicle were flagged down by two victims in the area of 21st and Capp Street regarding a man with a gun. The victims pointed to the suspect who was seen running to, and jumping into the trunk, of a vehicle parked mid-block on Capp Street between 21st and 22nd Streets.

- The officer's pulled behind the vehicle, a black Honda, activated their emergency lights, and conducted a traffic stop.
- Additional units responded and assisted in the traffic stop
- During the traffic stop the officers ordered the driver, later determined to be [redacted] out of the vehicle. [redacted] complied with the orders and was detained
- A second occupant, later determined to be Jesus Delgado could be seen in the open trunk of the vehicle and was ordered to show his hands. Mr. Delgado remained in the trunk and refused to comply
- The officers continued to order Mr. Delgado to show is hands while he was in the trunk of the vehicle, utilizing both English and Spanish languages. Mr. Delgado still did not comply with the orders
- One officer deployed a less lethal round, commonly referred to as a beanbag, at Mr. Delgado in an effort to gain compliance
- Officers continued to order Mr. Delgado to show his hands
- After a short time later, Mr. Delgado, pointed a firearm in the direction of the officers, and fired from inside the trunk of the vehicle
- Officers on the scene fired their weapons at Mr. Delgado.

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1245 3RD Street, 6TH Floor
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NEWS RELEASE

- A third occupant, later determined to be [redacted] was ordered out of the vehicle and detained.
- The officers removed Mr. Delgado from the trunk of the vehicle, determined he was struck by gunfire, and began to administer CPR while an ambulance responded.
- The ambulance arrived. Unfortunately, Mr. Delgado did not survive his injuries.

Additional Information:

- Preliminary evidence indicates that Mr. Delgado fired one round from his firearm
- A 9mm pistol was located inside the trunk area of the black Honda and is pictured here today.
- Preliminary evidence indicates that ten officers fired approximately 99 rounds from their firearms
- One officer fired the one less-lethal round from his department extended range impact weapon.
- The preliminary report from the Medical Examiner's office indicates that Mr. Delgado was struck approximately 25 times

Witnesses

- There are witnesses and reporting parties that heard gunfire or witnessed portions of the shooting. Those witnesses have been interviewed. We are asking that anyone in the public that has additional video evidence or witnessed the shooting contact us so that they can be interviewed.

Involved Members

- The officers who fired their weapons have all been interviewed and provided details of the incident

Video:

- All of the officers that discharged their firearms activated their Body Worn Cameras.
- We have obtained and viewed both cell phone and video evidence of the shooting from witnesses and residents in the area

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SFDPA - 0097-18 - 001830

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

NEWS RELEASE

Investigation:

- Independent Investigations Bureau of the District Attorney's Office, Department of Police Accountability were notified, responded to the scene, and are conducting independent investigations
- Department's homicide unit is conducting the criminal investigation and the Department's Internal Affair's unit is conducting the administrative investigation

Officer's Names:

- Provided there are no safety concerns the names of the involved officers will be released within 10 days per department policy

Videos Shown:

- Five videos will be shown,
- Capp Street video
- Three BWC videos
- One KPIX news clip.

- Additional BWC videos and other images will be posted on-line

Body Worn Cameras

https://player.vimeo.com/video/259778697

https://player.vimeo.com/video/259779486

https://player.vimeo.com/video/259779867

https://player.vimeo.com/video/259781051

https://player.vimeo.com/video/259781960

https://player.vimeo.com/video/259782177

https://player.vimeo.com/video/259782345

https://player.vimeo.com/video/259785597

https://player.vimeo.com/video/259789735

https://player.vimeo.com/video/259791049

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SFDPA - 0097-18 - 001831

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

NEWS RELEASE

Body Worn Cameras, continued:

https://player.vimeo.com/video/259792616

https://player.vimeo.com/video/259793301

Surveillance Camera Footage

https://player.vimeo.com/video/259794067

Cell Phone Video

https://player.vimeo.com/video/259795118

###

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SFDPA - 0097-18 - 001832

CITY & COUNTY OF SAN FRANCISCO

MEDICAL EXAMINER'S PROPERTY RECEIPT

1 NEWHALL STREET • SAN FRANCISCO, CA • 94124 • (415) 641-3600

DATE	TIME A.M.	TIME P.M.	CASE NO.
3/7/18			2018-0222

THIS IS TO CERTIFY THAT I HAVE THIS DAY MADE A CAREFUL SEARCH OF THE CLOTHING AND THE PREMISES.

of Doe #32 John Deceased

at

AND HAVE TAKEN POSSESSION OF THE PROPERTY DESCRIBED BELOW

Currency $ _____ Coin $ _____ Total $ _____

Jewelry

Will _____ Bank Book _____

Discharge Papers _____ Ins. Papers _____

OTHER EFFECTS: STOCKS-BONDS-PAWN TICKETS-LODGE REC.-ETC.

Clothing

[redacted] 163

Star

DO NOT SIGN THIS UNLESS YOU HAVE ACTUALLY WITNESSED THE SEARCH

Witness X _____

Address _____

Witness X _____

Address _____

Evidence or information indicating previous search _____ YES OR NO

By whom apparently made _____ Detail on Reverse Side

2018

2018-0222

Repro-011

White: Medical Examiner • **Yellow:** Police (attach to Police report) • **Pink:** Witness

CAUTION: USE ONLY AS DESCRIBED IN THE INSTRUCTIONS

SFDPA - 0097-18 - 001833

[redacted]



SFDPA - 0097-18 - 001835


ISUZU
San Francisco Honda
HONDA
The City's Honda Dealer
SFHonda.com
30



SFDPA - 0097-18 - 001817

SFDPA - 0097-18 - 001838



SFDPA - 007518 - 001439


30
27
26
A 1
A 2
RODEO
29 29



SFDPA - 0097-18 - 001841



SFDPA - 0097-18 - 001842


A1
A2
28
27
29
29

SAN FRANCISCO
POLICE DEPARTMENT
MUGSHOT PROFILE

NAME: JESUS A DELGADO-DUARTE

[redacted]



PHYSICAL DESCRIPTION

SEX:	MALE
RACE:	HISPANIC
HEIGHT:	5'05"
WEIGHT:	145
EYE COLOR:	BROWN
HAIR COLOR:	BLACK
GLASSES:	No
BUILD:	MEDIUM
COMPLEXION:	CLEAR
EYE CHARACTERISTICS:	
FACIAL HAIR:	MUSTACHE ONLY
HAIR LENGTH:	ABOVE EARS

SCARS/MARKS/TATTOOS

#1.:
#2.:
#3.:

#1.:	21310	F	CARRY CON/DIRK OR DAGGER
#2.:	21453 (D)	I	PED AGAINST RED LIGHT/ETC
#3.:			
#4.:			
#5.:			
#6.:			
#7.:			
#8.:			
#9.:			
#10.:			

SFDFA - 009718 - 001844


29
29

SFDPA - 0097-18 - 001846

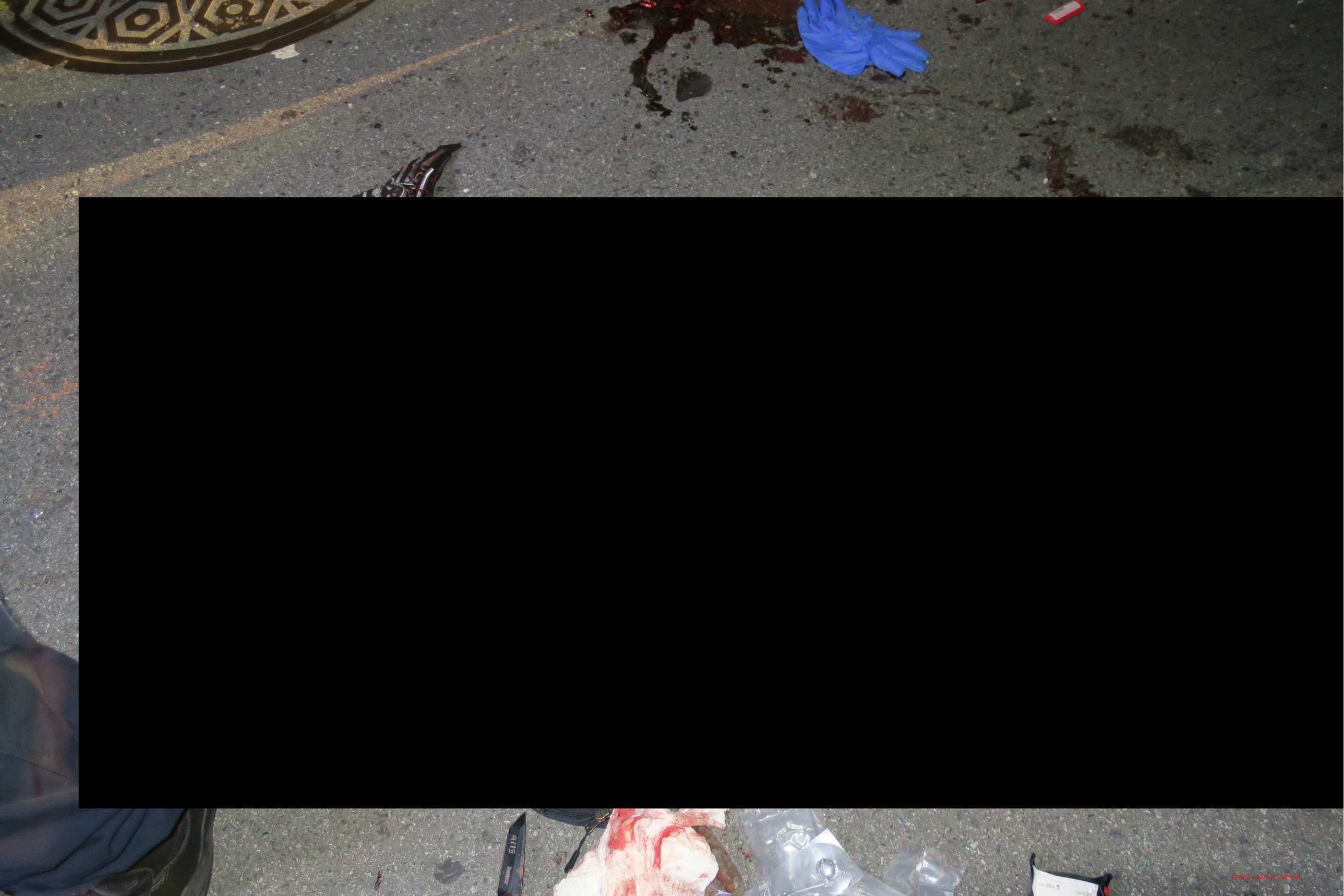


[redacted]



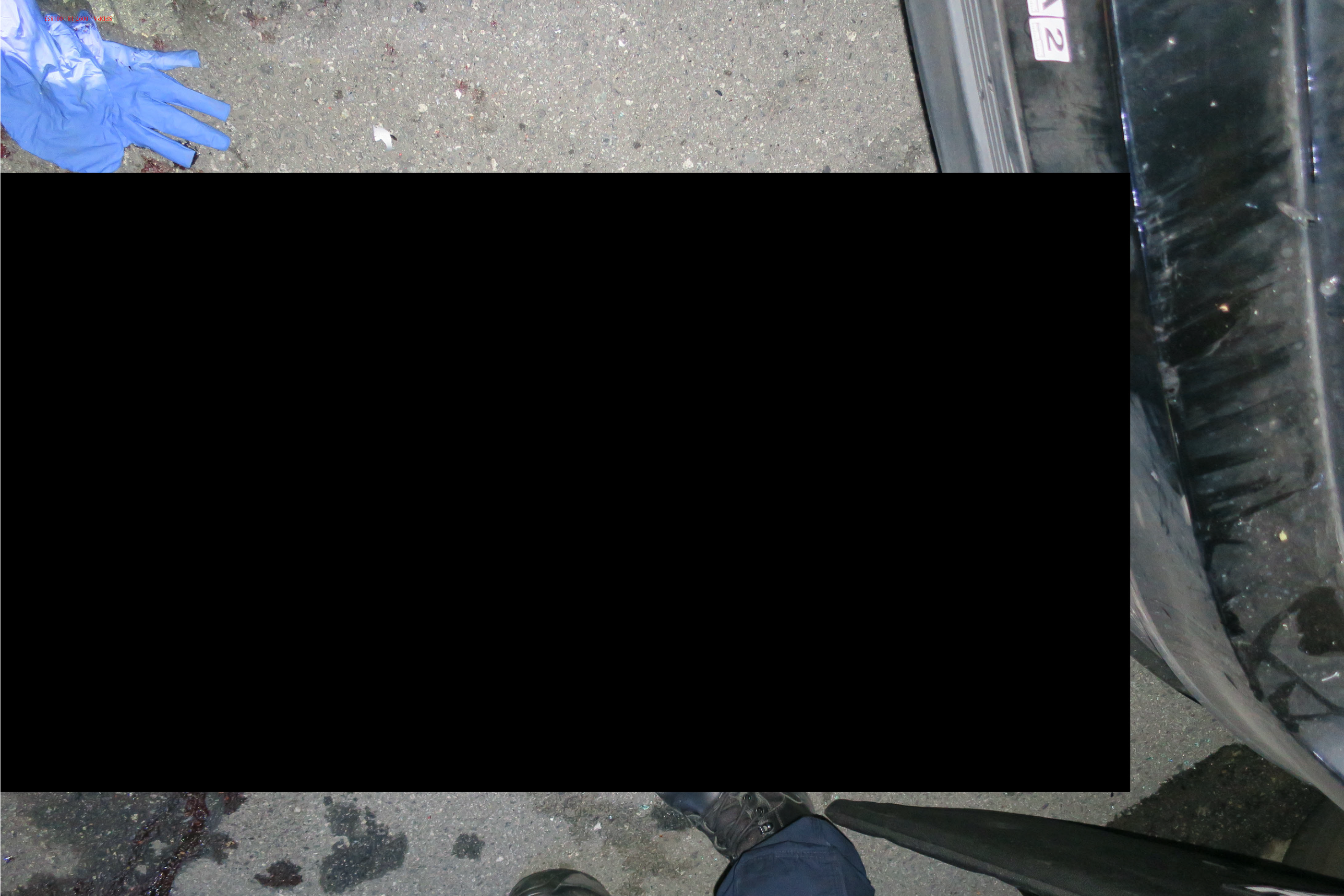
MEDS











SFDPA - 0097-18 - 001854





SFDPA - 0097-18 - 001856

SEMPA - 0097-18 - 001857

CITY & COUNTY OF SAN FRANCISCO

MEDICAL EXAMINER'S PROPERTY RECEIPT

1 NEWHALL STREET • SAN FRANCISCO, CA • 94124 • (415) 641-3600

DATE	TIME		CASE NO.
	A.M.	P.M.	
3/7/18			2018-0222

THIS IS TO CERTIFY THAT I HAVE THIS DAY MADE A CAREFUL SEARCH OF THE CLOTHING AND THE PREMISES.

of Doe #32 John Deceased

at 600 Block of CAPP St

AND HAVE TAKEN POSSESSION OF THE PROPERTY DESCRIBED BELOW

Currency $ ~~0~~ Coin $ ~~0~~ Total $ ~~0~~

Jewelry 1-Wallet Misc C+P

Will _____ Bank Book _____

Discharge Papers _____ Ins. Papers _____

OTHER EFFECTS: STOCKS-BONDS-PAWN TICKETS-LODGE REC.-ETC.

1-GSR ~~Kit~~ R+L M&O Seal#
1-Hand Bag Kit 158816

Clothing AS WORN

123

Medical Examiner's Investigator Star

DO NOT SIGN THIS UNLESS YOU HAVE ACTUALLY WITNESSED THE SEARCH

Witness X M Bamsn #479

Address _____

Witness X _____

Address _____

Evidence or information indicating previous search _____ YES OR NO

By whom apparently made _____ Detail on Reverse Side

2018-0222

2018

Repro-011

White: Medical Examiner • **Yellow:** Police (attach to Police report) • **Pink:** Witness

SFDPA - 0007-18 - 001659

2018-0222

SFPD #: 180-175-220

SFOCME

Name: DOE #32, JOHN

MH AH EM HN LP Date: 3/7/20178

SFDPA - 0097-18 - 001860

2018-0222

SFPD #: 180-175-220 SFOCME

Name: DOE #32, JOHN

MH AH EM HN LP Date: 3/7/20178

MEDICAL EXAMINER

IDENTIFICATION

NAME Doe #32, John

FROM 600 Block of Capp St

DATE 3/7/18 TIME 0615

FINGER PRINT _____ PHOTOS _____

DEPUTY 123

NO. 2018-0222

S.F. M.E.

No. Doe #32 John

Name 600 Block of Capp St

From

RACE W/H SEX M AGE 30+/- WT. 146

HT. 5'6" HAIR Brown EYES Brown

2018-0222

SFDPA - 0097-18 - 001861

SEALED
158816

2018-0222

SFPD #: 180-175-220

SFOCME

Name: DOE #32, JOHN

MH AH EM HN LP Date: 3/7/20178

EVIDENCE

Case#: 2018-0222 SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M Lab Book
MH AH EM HN LP Date: 3/7/20178
GSR ~~Left~~ L/R Hands

Forensic Services Division
San Francisco Police Department
Gunshot Residue Data Sheet

CSO/ STAR
CSO/ STAR
CASE NUMBER 180-175-220
COMPLAINANT
REMARKS/INSTRUCTIONS
First name John
Deceased
(Please describe)
NUMBER OF SHOTS FIRED: 2
UNKNOWN
IN VEHICLE
OUTDOORS
INDOORS
DATE AND TIME
LOCATION OF SHOOTING:

S.F.P.D.

San Francisco
Police Department
GSR Evidence Bag

Incident Number: 2018-0222 180-175-220

Subject's Name: Doe #32 / John

Initials/Star: 127

Lot # 020616TP

RIGHT
2018-0222 Doe #32 180-175-220

INCH 1 2 3 4 5 6 U.S.A.
15 14 13 12 4 3 2 1 CM

2018-0222
SFPD #: 180-175-220 SFOCME
Name: DOE #32, JOHN
MH AH EM HN LP Date: 3/7/20178

SFDPA - 0097-18 - 001863

2018-0222

SFOCME

SFPD #: 180-175-220

Name: DOE #32, JOHN

MH AH EM HN LP Date: 3/7/20178



SFDPA - 0097-18 - 001865



SFDPA - 0097-18 - 001866


2018-0222
SFOCME
SFPD #: 180-175-220
Name: DOE #32, JOHN

2018-0222

SFPD #: 180-175-220

SFOCME

Name: DOE #32, JOHN

MH AH EM HN LP Date: 3/7/20178

SFDPA - 0097-18 - 001868



SFDPA - 0097-18 - 001869

2018-0222

SFOCME

SFPD #: 180-175-220

Name: DOE #32, JOHN

MH AHEM HN LP Date: 3/7/20178

SFDPA - 0097-18 - 001870

Case# 2018-0222

MEDICAL EXAMINER'S REGISTER

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

Name: DELGADO-DUARTE, JESUS

Alias: DOE #32, JOHN

ADDRESS:

DATE OF DEATH: 03/06/2018 TIME: 10:48 PM REPORTED BY: RC3 CAVANAUGH

DATE OF REPORT 03/06/2018 TIME: 11:03 PM REPORTED PHONE:

PLACE OF DEATH: 600 BLOCK OF CAPP STREET ZIP: 94110

TYPE OF CASE: OFFICER INVOLV DATE AND TIME OF INCIDENT:

PLACE OF INCIDENT: ZIP:

NEXT OF KIN: DATE NOTIFIED 03/07/2018

BIRTHDATE: 12/25/1998 AGE: 19 SS#: SEX: MALE RACE WHITE HISPA

RECEIVED AT MEDICAL EXAMINER: 03/07/2018 TIME: 6:15 AM

RELEASED TO: DRISCOLLS VALENCIA ST. SERRA MORTUARY FUNERAL DIRECTOR

RELEASED DATE: 03/09/2018 TIME: 17:07

RECEIVED BY: _____ CLOTHING RECEIVED: NO

RELEASE SIGNED BY _____ RELATIONSHIP: FATHER

POUCH: YES RESIDENCE SEALED:

PROPERTY LISTING		INITIALS	EVIDENCE LISTING		INITIALS
1	BRACELET	( )	27	DIGITAL SCENE PHOTOS	( )
1	CLOTH NECKLACE (on rese	(MD)			
0.33	COINS	( )			
2	EARRINGS	( )			
2	KEYS	( )			
	MISC. CARDS & PAPERS	( )			
1	WALLET	( )			

VERIFIED BY: MH DATE: 3/8/2018

PUBLIC ADMINISTRATOR: DATE NOTIFIED:

PLACED IN BOX #: MAR 2018 RECEIVED AMOUNT: $0.33 CHECK#: _____

RECEIVED BY: _____ RELATIONSHIP: _____ DATE/TIME: _____

RECEIVED BY: _____ RELATIONSHIP: _____ DATE/TIME: _____

BODY SEARCHED BY: KRIS MACFERREN #123 AT: SCENE

PREMISES SEARCHED BY: _____ AT: _____

PREMISES SEALED BY: _____ DATE: _____

EXAMINATION: _____ PERFORMED BY: PENA M.D.

EVIDENCE DISPOSITION: _____

INVESTIGATORS: KRIS MACFERREN #123 MARK POWNING #119

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF THE ORIGINAL.

[redacted] 11-18-2018

Case#:	2018-0222			**Status:**	CLOSED
Name:	DELGADO-DUART	JESUS	**alias:**	DOE #32	JOHN

Police Notified	YES
Police_Office:	MISSION
Police_Officer:	DUTHERUS #254
Police_At_Scene:	YES
Officer:	DUTHERUS #254
Station:	MISSION
SFPD_Case#:	180-175-220
Homicide_Office:	SOUTHERN
Homicide Officer:	WATTS #1594
Notification Date:	03/06/2018
Notification Time:	23:30
AIB_or_HR_Notified:	
Date:	
AIB_Officer:	
Nature:	OFFICER INVOLV

Fingerprints_Taken:	YES	**Palmprints_Taken:**	YES		
Taken_By:	JW				
Taken Date:	03/07/2018				
To_SFPD_Date:	03/07/2018	**Match:**	Y	**Match#:**	[redacted]
To_CII_Date:	03/07/2018	**Match:**	Y	**Match#:**	
To_FBI_Date:	03/07/2018	**Match:**	Y	**Match#:**	
Photos_Date:	03/07/2018	**Taken_By:**	KRIS MACFERR		

Case#: [redacted]

MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

NAME: DELGADO-DUARTE JESUS **Date/Time of Death:** 03/06/2018 10:48 PM

PLACE OF DEATH: 600 BLOCK OF CAPP STREET **Age:** 19 **Sex:** MALE **Ht:** 5'6" **Wt:** 146 **Race:** WHITE HISPANIC

POLICE NOTIFIED	POLICE STATION NOTIFIED	POLICE OFFICER
YES	MISSION	DUTHERUS #254

HOMICIDE NOTIFIED	DATE	TIME	HOMICIDE OFFICER
SOUTHERN	03/06/2018	11:30:00 PM	WATTS #1594

MARITAL STATUS: UNKNOWN

IDENTIFIED BY: FINGERPRINTS **AT:** SF IDENTIFICATI **DATE:** 03/07/2018

FINGERPRINTS TAKEN	PALMPRINTS	PRINTS TAKEN BY	DATE
YES	YES	JW	03/07/2018

TO SFPD DATE: 03/07/2018 **TO CII DATE:** 03/07/2018

SFPD MATCH: Y **SFPD MATCH#:** [redacted] **CII MATCH:** Y **CII MATCH#:** [redacted]

TO FBI DATE: 03/07/2018 **PHOTOS DATE:** 03/07/2018

FBI MATCH: Y **FBI MATCH#:** [redacted] **TAKEN BY:** KRIS MACFERREN #123

POLICE AT SCENE	AT SCENE OFFICER	POLICE STATION
YES	DUTHERUS #254	MISSION

SFPD CASE#: [redacted]

AIB or HR NOTIFIED: **AIB DATE:**

AIB OFFICER: **NATURE:** OFFICER INVOLVED SHOOTING

CASE HISTORY

The subject, a +/- 30 year old male, has no confirmed identity or place of residence at the time of this investigation. In some manner the subject received multiple gunshot wounds to the body after engaging police officers with a firearm.

According to information received from San Francisco Police Homicide Inspector Bandvik #479, and San Francisco Police Officer Dutherus #254, submitting Incident Report #[redacted] the following investigative report was generated.

On 3/6/20148 at approximately 2230 hours, San Francisco Police Officers were flagged down, in the Mission District, by an unknown person. The unknown person relayed to officers that they were robbed at gunpoint, and the subject's vehicle was still in the area. Police officers began to search the area and found the suspected vehicle on the 600 block of Capp Street. Officers reportedly began a felony traffic stop and the driver of the vehicle and passenger complied with the officers' orders. At some point, officers at the scene saw that the trunk of the vehicle was moving and realized that someone was in the trunk. Officers began to tell the subject who was in the trunk to exit. When the subject did not comply with their orders less then lethal force (bean bag round) was used. At some point the subject reportedly fired back at police officers with a firearm from the trunk of the vehicle. Officers then opened fire on the subject striking the subject multiple times. Paramedics were dispatched to the scene. Once on scene, paramedics began life saving and resuscitation efforts were started. Despite aggressive resuscitation efforts death was determined

Case#: [redacted]

MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

on scene at 2248 hours, on 3/6/2018. This office was notified of the death at 2303 hours, same date. Assistant Medical Examiner Dr. Louis Pena was contacted at 2310 hours, on 3/6/2018.

Investigation at the scene revealed the subject lying supine on the ground located in front of [redacted] Capp Street. The remains were clad in street attire and covered with a yellow emergency paramedic blanket. The subject's hands were noted to be handcuffed at this time. A hand gun was noted in the trunk of the vehicle. The subject had bank documents in his left jacket pocket as well as 74 dollars. A cell phone was found in the subject's right front jeans pocket. The cell phone, bank documents, and cash were released to the Homicide Inspectors.

External examination revealed the subject to be warm and flaccid. The subject was noted to have multiple circular defects about the abdomen and legs. A gunshot residue kit was taken, by this Investigator and Investigator Powning #119, on scene and the hands were then secured in brown paper bags. The remains were then placed in a pouch which was sealed with pouch seal #158816. The remains were then transported to this office for further investigation.

INVESTIGATOR: KRIS MACFERREN #123 MARK POWNING #119

SFDPA - 0097-18 - 001874

Case#: [redacted] Status: CLOSED

Name: DELGADO-DUART JESUS alias: DOE #32 JOHN

Date: 03/07/2018
Time: 8:02
Contact_Person:
Contact_Phone:

Comments:

During the investigation a wallet was found in the subject's left front jean pocket, the wallet did not contain any form of identification. The wallet did contain a bank card listing the name: Jesus A. Delgado.

Investigator: KRIS MACFERREN #123

Date: 03/07/2018
Time: 9:41
Contact_Person:
Contact_Phone:

Comments:

The subject's sister and family presented to San Francisco General Hospital inquiring about the subject as they had been told by friends that he was involved in a shooting last night. I explained to her that the subject was deceased, could not be viewed here, and that we would confirm identification with fingerprints. I told her the next step was to contact a funeral home. I also told her I would pass on her information to the SF District Attorney Investigators and SFPD Homicide Investigators, which was done at this date and time.

Investigator: THOMAS MCDONALD #110

Case#: [redacted] Status: CLOSED

Name: DELGADO-DUART JESUS alias: DOE #32 JOHN

Date: 03/07/2018
Time: 15:14
Contact_Person:
Contact_Phone:

Comments:

I spoke with the subject's mother thrugh an interpriter informing her of the death. They were advised to contact a funeral home and had no further questions at that time. A short time later Driscolls Valencia Street Serra Mortuary called reguarding the subject. Please contact DRISCOLLS VALENCIA ST. SERRA MORTUARY when the examination is complete.

Investigator: THOMAS MCDONALD #110

Date: 03/09/2018
Time: 14:52
Contact_Person:
Contact_Phone:

Comments:

Please send a completed copy of the report to the parents on this case when completed. Please provide this report free of charge.

Investigator: THOMAS MCDONALD #110

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Case#: [redacted] Status: CLOSED

Name: DELGADO-DUART JESUS alias: DOE #32 JOHN

Date: 03/09/2018
Time: 15:03
Contact_Person:
Contact_Phone:

Comments:

On the above listed date and time, an Accurint search for a telephone number for a family member revealed the family is primarily Spanish speaking per Chief Investigator McDonald # 110.

Investigator: MICHAEL HOOGASIAN #121

Date: 03/12/2018
Time: 15:37
Contact_Person: SGT. PARKER
Contact_Phone:

Comments:

Spoke with Sgt. Parker, as of 3/12/2018 do not release property to family.

Investigator: RICKHI SEHMAR

Case#: [redacted] Status: CLOSED

Name: DELGADO-DUART JESUS alias: DOE #32 JOHN

Date: 03/13/2018
Time: 13:55
Contact_Person: HOM. BANDVIK #479
Contact_Phone:

Comments:

[redacted]

ACTION: On 03/13/2018 at 1500 hours, I spoke with Dr. Louis Pena and he was OK in releasing the necklace to the family. [MS]

03/21/2018 Homicide Gary Watts left a message on my voice mail stateing that it was ok to release all property to the subject's family. TMM, 03/21/2018

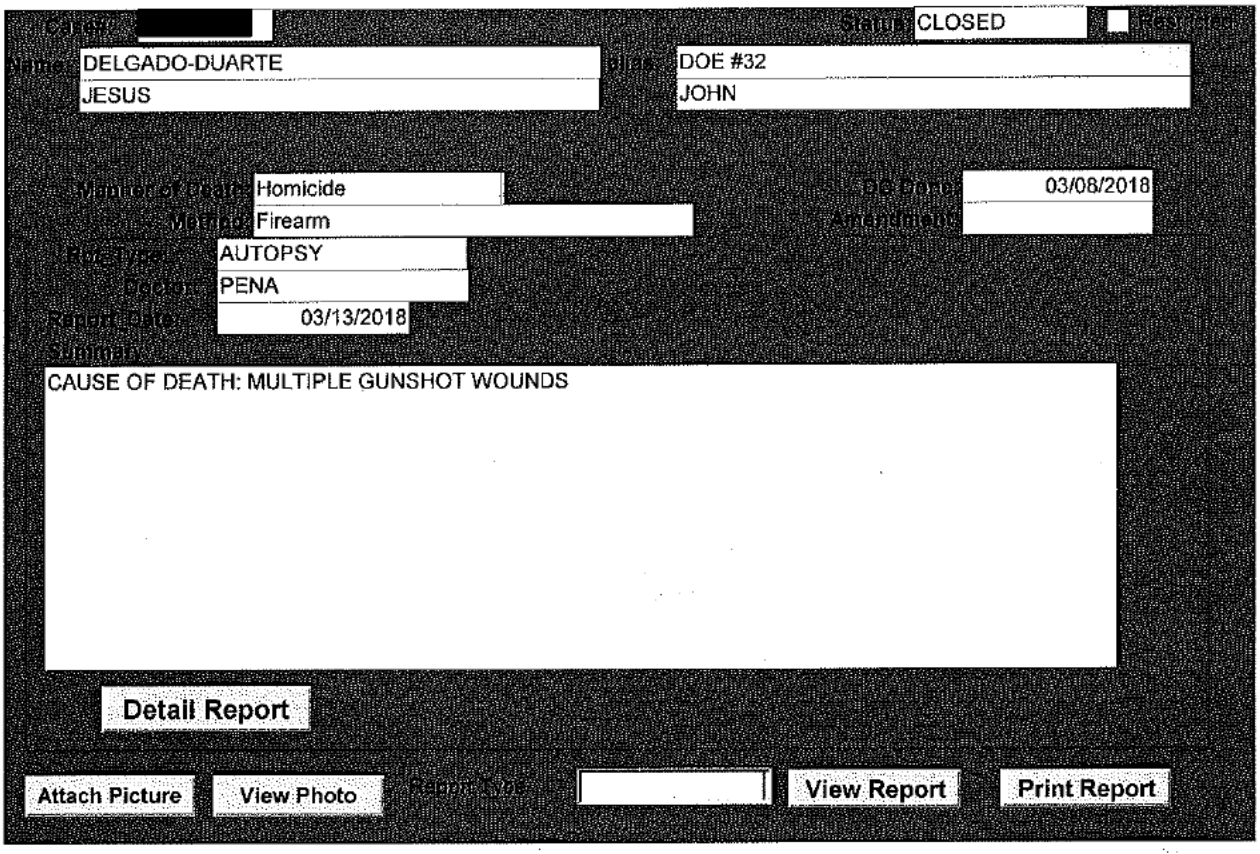
Investigator: MICHAEL SUCHOVICKI #117

Date: 03/16/2018
Time: 14:16
Contact_Person: Property release
Contact_Phone:

Comments:

[redacted]

Investigator: KRIS BARBRICH #114


Case#: [redacted]
Status: CLOSED
Restricted
Name: DELGADO-DUARTE
JESUS
Alias: DOE #32
JOHN
Manner of Death: Homicide
Method: Firearm
DC Date: 03/08/2018
Amendments:
Rec_Type: AUTOPSY
Doctor: PENA
Report Date: 03/13/2018
Summary:
CAUSE OF DEATH: MULTIPLE GUNSHOT WOUNDS
Detail Report
Attach Picture
View Photo
Report Type:
View Report
Print Report

CITY AND COUNTY OF SAN FRANCISCO
Office of the Chief Medical Examiner
Medical Division

Case No. [redacted]

Name: **DELGADO-DUARTE, JESUS** Date/Time of Necropsy: **March 7, 2018 0900 Hours**
AKA: DOE #32, JOHN **and March 8, 2018 0900 Hours**

Age: **19** Height: **5′ 6″** Weight: **146 lbs.**

PRELIMINARY EXAMINATION: The body is that of a young Hispanic male, received in a properly labeled and secured body bag, with an attached Medical Examiner's seal bearing the number 158816, and Medical Examiner's Identification tag bearing the designation John Doe #32, and the associated Medical Examiner's case number, both of which are positioned within the outer securing zipper. The seal is broken at 0900 on March 7, 2018 for initial body processing. Paper bags are positioned about both hands for evidentiary recovery purposes, and the body is received with a gunshot residue collection kit. In addition, the hands are handcuffed in the posterior position, and the metallic handcuffs are removed at 0926 on March 7, 2018. The handcuffs have the number on them 1469. They are secured by the assisting death investigator, R. Sehmar.

The decedent is clad in a pair of Nike tennis shoes, size 8. There is a hole on the right front of the rubber portion of the right tennis shoe. The sole part on the inner view of the right tennis shoe shows an irregular tear defect. The left tennis shoe is unremarkable. There are no significant blood stains. There is a pair of gray socks that are blood-stained focally, and they show two hole defects on the right sock involving the sole and the tip of the sock. In addition there are Levi pants with the right front side showing 9 hole defects, the right back pant leg showing one hole defect, the left front pants showing 8 holes, the left back pants showing 7 holes, and there are focal blood stains around the Levi pants. There is also a black belt with a metallic buckle, intact. There are boxer shorts with one hole that is large on the right back portion of these shorts. There is a focal blood stain associated with the hole defect. There is a black short-sleeved shirt that is blood-soaked with one hole seen on the back side on the right portion of the shirt. On the front portion of the shirt, there are 6 holes seen on both the upper and lower portions, and two holes on the left mid-portion on the front of the shirt. There is a beanie cap that accompanies the body with one hole defect seen. There is a black jacket with a hood. The hood shows no holes. The black jacket on the right front shows 5 hole defects, and on the left front there are three hole defects. The right sleeve shows ten hole defects, and the left sleeve shows 6 hole defects. There is also a fanny pack strap that has been previously cut. There are three hole defects identified in one of the pockets. No soot or gunpowder is identified grossly on any of the clothing. The following jewelry articles are present: One gold bracelet on the left wrist, a necklace, two earrings, two keys and a quarter, a nickel and three pennies.

Rigor mortis is well-developed in the larger muscle groups of the upper and lower extremities and smaller groups of the neck and jaw. There is minimal blanching red faint posterior lividity. The body is cold to touch. Blood is present on the face, within the scalp hair, and distributed multifocally on the clothing of the torso and lower body, and is evident on both hands. Prior to cleaning of the body, multiple items are obtained and placed in evidence, including swabs from the front and back of both hands, fingernail scrapings from

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both hands as the nails are very short to cut; bags with plastic zip-tie straps from both hands, The Medical Examiner's pouch seal, and the collected gunshot residue sampling kit.

EVIDENCE OF MEDICAL THERAPY: There are two electrocardiogram pads attached to the torso.

EXTERNAL EXAMINATION: The body is that of a well developed, well nourished teenage man, whose appearance is consistent with the reported age of 19 years.

The face is symmetric, intact and unremarkable, except for the injuries to be described below. The head is symmetric and normocephalic. The scalp is intact except for the gunshot wound injury to the left parietal scalp, to be described below. The scalp hair is black, short and straight, with an average length of 1-1/2 inches. No balding is observed. Mustache and beard are present. The eyelids are intact and unremarkable. The conjunctivae are clear without petechial hemorrhages, pallor or icterus. The sclerae are white, without petechial hemorrhages or icterus. The irides appear brown. The nose is symmetric and unremarkable. The nasal septum is intact. The mouth has native dentition in good repair. The oral mucosa is tan, moist, and unremarkable. The frenulum is intact. The external ears are normally formed, symmetric, intact and unremarkable, and have earrings present in both earlobes.

The neck is normally formed, intact and symmetric. The trachea is palpable in the midline. The chest is symmetric and intact. The abdomen is symmetric, soft, flat and tympanic to percussion. The external genitalia are those of a normally developed adult male. The scrotum is intact and unremarkable. The anus is patent.

The forearms and upper arms are normally formed, symmetric, but not intact—see description below under gunshot wounds. The ventral wrists have no scars. The hands, fingers, fingernails, feet, toes and toenails are normally formed and intact except for the gunshot wounds to be described. The lower extremities are free of edema. The lower extremities are normally formed, symmetric, but with obvious deformity due to the gunshot wounds to be described below. There is no hyperpigmentation of the lower legs. .

The posterior body surfaces are intact, except for the gunshot wounds.

IDENTIFYING MARKS AND SCARS: No old surgical scars or tattoos are observed. Both wrists show symmetric indentation cuff marks from the handcuffs that were secured with the decedent when the body was received.

EVIDENCE OF INJURY: There are 25 gunshot wounds numbered to the body. The numbering is arbitrary. It is not intended to indicate the sequence in which the gunshots occurred.

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The gunshot wounds are not associated with soot, stippling or muzzle imprints and the wound paths are all described with the body in the anatomic position.

DESCRIPTION OF GUNSHOT WOUNDS
GUNSHOT WOUND #1
Gunshot wound #1 of head, penetrating, fatal wound.
ENTRY: The entry wound is located to the left superior parietal scalp and consists of a stellate hole defect, 3/4 x 7/16 inch. This wound is shaved prior to the autopsy and photographs are taken. It measures from the top of the head 1 inch, and left of the midline 1-1/2 inches. There is no soot or stippling observed.
DIRECTION: The direction is left to right and sharply downward.
COURSE: The hemorrhagic wound track passes through the left parietal scalp, subcutaneous soft tissue, left parietal skull, left parietal dura mater, and the left parietal brain lobe. The bullet then continues through the interhemisphere of the brain, midline brain, basal ganglia, right mid-brain and the right cerebellum. The hemorrhagic track continues to the right base of the skull, dura mater, and into the right petrous bone.
EXIT: None.
PROJECTILE: A large caliber 10 mm copper-jacketed deformed lead bullet is recovered from the base of the skull right petrous bone. This bullet is recovered at 0945 on the date 03/08/2018, and placed in projectile envelope #10.
ASSOCIATED INJURIES: There is laceration and hemorrhage of the left parietal scalp and into the subcutaneous soft tissue. The left parietal skull bone is fractured with a 1.5 cm in diameter hole defect on the left top parietal skull. The left parietal superior bone also shows linear fractures that are nondisplaced, involving the frontoparietal and temporal to the posterior parietal and occipital bones as shown on the diagram. In addition, there are basal skull fractures involving the frontal bone, left frontal crest, left cribriform plate of the ethmoid bone, left orbital part of the frontal bone, occipital bone, and right petrous bone, where the bullet is recovered. Not shown on the diagram is a mild frontoparietal subgaleal hemorrhage. There is a large laceration and hemorrhagic track involving the left parietal brain lobe, interhemisphere brain, midline brain, basal ganglia, the right midbrain and the right cerebellum. There is an associated mild diffuse subdural hematoma. There are also lacerations of the left parietal dura mater and the right base dura mater near the right petrous bone. The forehead of this decedent also shows three small red abrasions. The left inferior eye shows a small 1/8 inch red abrasion.

GUNSHOT WOUNDS #2 AND #3
Gunshot wounds #2 and #3 of the right upper chest, perforating/penetrating, fatal wounds.
ENTRY: The gunshot wound arbitrarily #3 is to the right upper, slightly lateral chest region, and consists of an oblong skin defect, 3/4 x 1/4 inch. There is a surrounding purple contusion and abrasions, 2 x 1 inches. It measures 12 inches from the top of the head, 5 inches right of the midline and 5 inches from the top of the shoulders. In addition, and adjacent to this wound is a linear skin gunshot wound tag arbitrarily #2 which is a distinct

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separate entry wound. It measures 1/2 x 1/8 inch and has a slit-like appearance with a slight collar abrasion in the inferior portion. There is no soot or stippling associated with either gunshot wound.
DIRECTION: The direction of these gunshot wounds is front to back, right to left, and upwards for gunshot wound #2 and downwards for gunshot wound #3.
COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, and the pectoralis muscles of the right chest. The bullet then continues through the right anterior ribs #s 1, 2 and 3 for gunshot wound #2, and the right lateral rib #4 and the intercostal space for gunshot wound #3. The hemorrhagic wound track continues through the right lung superior, middle and hilar regions, and the right posterior rib #3, and one cannot exclude the right posterior ribs #7 and 8 for gunshot wound #3.
EXIT: None for gunshot wound #2; however gunshot wound #3 probably exits at the right posterior mid-back. This exit wound consists of an irregular skin wound defect, 3/4 x 1/2 inch. There is no collar abrasion. It measures 17-3/4 inches from the top of the head, 3-1/2 inches right of the midline, and 8-3/4 inches from the top of the shoulders.
PROJECTILE: A deformed copper-jacketed lead bullet with a base of about 5 mm is recovered from the right upper back soft tissue near the scapula. This projectile is associated with gunshot wound #2, arbitrarily numbered, and placed in projectile envelope #12. It is recovered at 1005 on the date 03/08/2018.
ASSOCIATED INJURIES: There are large laceration and hemorrhagic defects of the skin, supraclavicular soft tissue and the pectoralis muscles of the right chest. There is a large hole defect and fractures of the right anterior ribs #1, 2 and 3, and fracture of the right posterior ribs #7 and 8, and a small hole defect and fracture involving the right lateral rib #4 and the intercostal space, associated with gunshot wound #3. There is a large laceration wound track involving the right lung superior, middle and hilum areas, for both gunshot wounds #2 and 3, as these overlap in their path. There is an associated presumed large right hemothorax and right lung atelectasis.

GUNSHOT WOUND #4
Gunshot wound #4 of the chest, penetrating, fatal wound.
ENTRY: The entry wound is located to the right chest, and consists of an irregular skin wound defect, 1/2 x 1/4 inch. There are associated adjacent two hole defects, 1/8 inch and 1/16 inch, near this wound. There is a surrounding purple contusion. It measures from the top of the head 14 inches, 7 inches from the top of the shoulders, and 2 inches right of the midline. No soot or stippling is observed.
DIRECTION: The direction is front to back and downward.
COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, pectoralis muscles and the right anterior ribs #1, 2 and 3. The bullet then continues through the right lung, presumed middle and hilum areas and basal region of the right lung lobes.
EXIT: None.

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PROJECTILE: A deformed copper-jacketed lead bullet, large caliber, about 10 mm base of the bullet, is recovered at 0855 from the right chest cavity, and placed in projectile envelope #8 on the date 03/08/2018.
ASSOCIATED INJURIES: There are hemorrhage and laceration defects of the right chest skin, subcutaneous soft tissue, and pectoralis muscles. There is a large fracture involving the right anterior ribs #1, 2 and 3, as associated with the other gunshot wounds described. There are hemorrhage and laceration defects involving the right lung, presumed middle, hilum and basal regions of the lobe. There is contribution of this gunshot wound to a presumed right hemothorax and right lung atelectasis.

GUNSHOT WOUND #5
Gunshot wound #5 of the chest, penetrating, fatal wound.
ENTRY: The entry wound is located through the right upper chest, and consists of a round hole skin wound defect, 7/16 x 5/16 inch. There is a surrounding purple contusion, 1-1/4 x 1 inch. There is a slight circumferential light red collar abrasion. This wound measures from the top of the head 13-1/2 inches, 1-3/4 inches right of the midline, and 5-1/2 inches from the top of the shoulders. There is also associated with it inferiorly a 1/16 inch small hole defect. No soot or stippling is observed.
DIRECTION: The direction is front to back and downward.
COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, pectoralis muscles and the right anterior ribs #1, 2 and 3. The bullet then continues through the right lung and overlaps with the other gunshot wounds involving the superior, middle and hilum regions, and possibly the basal lung lobe.
EXIT: None.
PROJECTILE: A large caliber 10 mm deformed copper-jacketed lead bullet is recovered from the right chest cavity at 0855 on the date 03/08/2018 and placed in projectile envelope #7.

GUNSHOT WOUND #6
Gunshot wound #6 of the left abdominal quadrant, penetrating, fatal wound.
ENTRY: The entry wound is located in the left upper abdominal quadrant and consists of an oblong skin wound defect 1/2 x 1/4 inch. There are marginal brown abrasions, 1/4 x 1/2 inch, at 12 o'clock and 1/8-1/2 inch in variation abrasion from the 6 to 8 o'clock position. No soot or stippling is observed.
DIRECTION: The direction is upwards and right to left.
COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, the peritoneum, and into the abdominal cavity and spleen. The bullet then continues into the left dome of the diaphragm and the left lung superior lobe basal region.
EXIT: None.
PROJECTILE: A deformed large caliber copper-jacketed lead bullet with a base of about 10 mm is recovered from the left upper abdominal cavity soft tissue. It is recovered at 0850 on 03/08/2018 and is placed in projectile envelope #5.

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ASSOCIATED INJURIES: There are hemorrhage and laceration defects of the left abdominal quadrant skin, subcutaneous soft tissue, the peritoneal cavity. The spleen shows a significant laceration defect measuring 3 cm in diameter. The left dome of the diaphragm shows a large hole defect. The left lung superior lobe at the basal region shows one hole defect. Associated with this injury is a left hemothorax, consisting of about 300 ml of residual red liquid blood at autopsy. There is left lung atelectasis. Associated with both injuries of the right and left lung is a blotchy red-purple lung viscera present, and the trachea and bronchi of both lungs show blood present.

GUNSHOT WOUND's #7, #8

Gunshot wound #7 of the right arm, perforating, potentially life-threatening wound.
ENTRY: The entry wound is located on the right forearm, and consists of a large gaping wound defect 4 x 1-1/2 inches. Adjacent to this on the medial portion of the wound is a small hole defect 1/2 x 1/4 inch gunshot wound #8. Both of these wounds, the large gaping wound and the smaller wound indicate entry sites. The smaller wound is associated with gunshot wound #8, arbitrarily numbered. There is a surrounding area of pseudo stippling consisting of punctate non-uniform red lesions around these wound defects. This area measures 3 x 1-1/2 inches. These wounds measure about 5 inches from the right wrist. No soot or stippling is otherwise identified.
DIRECTION: The direction is back to front.
COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissues, the tendons and muscles of the right forearm. The bullet then continues through the right radial and ulnar bones.
EXIT: The exit is located in the right anterior forearm, and consists of a 3 x 1 inch oblong skin wound defect with irregular edges. The skin tags point upwards. It measures 4 inches from the right wrist.
PROJECTILE: None.
ASSOCIATED INJURIES: There are large hemorrhage and laceration defects of the right forearm into the soft tissue and disrupting and lacerating significantly the tendons and muscles of the right forearm. There are compound and comminuted complete fractures involving the right ulna and radial bones.

GUNSHOT WOUND #8

Gunshot wound #8 of the right arm, perforating, potentially life-threatening wound.
ENTRY: The entry wound is located in the right forearm, and as described above, this is the smaller wound described with a 1/2 x 1/4 inch hole defect adjacent to the larger gaping wound. See description above for complete details, as these two gunshot wounds overlap, and their direction, course, exit, and associated injuries are the same.

GUNSHOT WOUND #9

Gunshot wound #9 of the right forearm, perforating, potentially life-threatening wound.

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ENTRY: The entry wound is located to the right forearm and consists of a round hole skin wound defect, 1/2 x 1/2 inch. There are adjacent small hole defects, one 1/8 inch and another also about 1/8 inch, with a metallic object seen in this hole. There is a marginal abrasion around the main wound defect just described, 1/8 inch, at the 9 o'clock position. This measures 6 inches from the right wrist. No soot or stippling is observed.
DIRECTION: The direction is back to front.
COURSE: The hemorrhagic wound track is the same as described for the previous gunshot wounds #7 and 8 of the forearm.
EXIT: The exit wound for this gunshot wound #9 is at the right ventral forearm, and consists of an irregular skin wound defect, 1/2 x 1/4 inch. There is an adjacent 1/8 inch hole to this wound. There are ragged edges within this wound. This measures 7-1/2 inches from the right wrist. There are two small red abrasions noted to the right ventral wrists.
PROJECTILE: None.
ASSOCIATED INJURIES: See description above under gunshot wound #7, involving the right forearm, as these gunshot wounds overlap.

GUNSHOT WOUND #10
Gunshot wound #10 of the right arm, perforating, non-fatal wound.
ENTRY: The entry wound is to the right elbow, 11 inches from the right wrist. It consists of a round hole skin wound defect, 1/2 x 1/2 inch. There is a marginal red abrasion, nearly circumferential, 1/8 inch. No soot or stippling is identified.
DIRECTION: The direction is back to front and upward.
COURSE: The hemorrhagic wound track passes through the skin and subcutaneous soft tissue only.
EXIT: The exit wound is located in the right ventral forearm, again about 11 inches from the right wrist. It consists of an irregular skin wound defect, 1/2 x 1/2 inches.
PROJECTILE: None.
ASSOCIATED INJURIES: There are mild subcutaneous soft tissue hemorrhage and laceration defects.

GUNSHOT WOUND #11
Gunshot wound #11 of the left arm, perforating, non-fatal wound.
ENTRY: The entry wound is located at the left posterior elbow and consists of a round hole defect, 1/2 x 7/16 inch. There is a skin tag present. No soot or stippling is observed.
DIRECTION: The direction is back to front and downward.
COURSE: The hemorrhagic wound track passes through the skin and subcutaneous soft tissue only.
EXIT: The exit wound is located at the left ventral forearm and consists of an oblong skin wound defect, 3/4 x 1/2 inch. There is no collar abrasion to this wound. This wound measures 13 inches from the top of the shoulders and 8-1/2 inches from the left wrist.
PROJECTILE: None.

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ASSOCIATED INJURIES: There is a mild hemorrhage and laceration defect in the subcutaneous soft tissue only.

GUNSHOT WOUND #12

Gunshot wound #12 of the left arm, perforating/penetrating, potentially life-threatening wound.

ENTRY: The entry wound is located at the left medial upper arm, and consists of a round hole skin wound defect 1/2 x 1/2 inch. There is a 1/4 inch marginal abrasion at the 6 o'clock position. It measures 10 inches from the left shoulder. No soot or stippling is identified. It has a slightly eccentric wound appearance upon palpation. Adjacent to this is a palpable bullet that measures about 8 inches from the left shoulder.

DIRECTION: The direction is right to left, front to back and sharply upwards.

COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, and the left distal humerus bone.

EXIT: The exit wound is located at the left upper lateral arm and consists of an irregular skin wound defect, 1/2 x 1/2 inches, with a surrounding purple contusion of 1 x 1 inch. This measures 3 inches from the top of the shoulders.

PROJECTILE: The palpable bullet described with this gunshot wound, upon incising, there is a deformed copper-jacketed lead bullet with a base of about 10 mm that is recovered at 10 AM on 03/08/2018 and placed in projectile envelope #4.

ASSOCIATED INJURIES: There are hemorrhage and laceration defects of the left upper arm skin, subcutaneous soft tissue, and both the biceps and triceps muscle. There is a long track continuing upon opening up to the left upper lateral arm where a fragment of this bullet probably exits. In addition to the hemorrhagic track and laceration defect described along with the soft tissue and muscle, there is a fracture involving the left distal humerus bone, and it is a comminuted type fracture with associated hemorrhage.

GUNSHOT WOUND #13

Gunshot wound #13 of the left leg, penetrating, non-fatal wound.

ENTRY: The entry wound is located to the left anterior upper thigh leg and consists of an irregular skin wound defect, 1/2 x 1/2 inch. There is no surrounding soot or stippling. It measures 22-3/4 inches from the left heel.

DIRECTION: The direction is sharply upward.

COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, the quadriceps muscle and the left hip soft tissue.

EXIT: None.

PROJECTILE: A deformed copper-jacketed lead bullet with a base of about 10 mm is recovered at 1015 hours on 03/08/2018 from the left lateral hip soft tissue. It is placed in projectile envelope #13.

ASSOCIATED INJURIES: There are mild hemorrhage and laceration defects involving the left upper thigh subcutaneous soft tissue, the quadriceps muscle and the left lateral hip soft tissue.

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GUNSHOT WOUND #14

Gunshot wound #14 of the left leg, perforating, non-fatal wound.
ENTRY: The entry wound is located at the left anterior knee, and consists of a round hole skin wound defect, 5/16 x 5/16 inch. It measures 19-1/2 inches from the left heel. There is no associated soot or stippling. There is a surrounding 3 x 2 inch area of red punctate lesions and a small laceration defect measuring 9/16 inch.
DIRECTION: The direction is sharply downward.
COURSE: The hemorrhagic wound track passes through the skin and soft tissue only.
EXIT: The exit wound is located on the left lower posterior leg, and consists of a large gaping wound defect, 1 x 1 inch, with skin tags present. This wound measuring 10 inches from the left heel.
PROJECTILE: None.
ASSOCIATED INJURIES: There are mild hemorrhage and laceration defects over the left leg, knee, posterior lower leg skin and soft tissue.

GUNSHOT WOUND # 15

Gunshot wound #15 of the right leg, perforating, non-fatal wound.
ENTRY: The entry wound is located at the right anterior lower leg and consists of a round hole skin wound defect, 1/2 x 1/2 inch. There is a collar abrasion, 1/8 inch, nearly circumferential. Superior to this are punctate small red hole defects, varying in size from 1/2 inch to 3/16 inch in varying size. This wound measures 15 inches from the right heel. There is no associated soot or stippling.
DIRECTION: The direction is front to back and downward.
COURSE: The hemorrhagic wound track passes through the skin and subcutaneous soft tissue.
EXIT: The exit wound is located in the right posterior lower leg and consists of a 1 x 3/4 inch irregular skin wound defect. This measures 10-1/2 inches from the right heel. There are two superior small punctate holes, each 1/8 inch.
PROJECTILE: None.
ASSOCIATED INJURIES: There are mild hemorrhage and laceration defects of the skin and soft tissue only.

GUNSHOT WOUND # 16

Gunshot wound #16 of the left leg, perforating, potentially life-threatening wound.
ENTRY: The entry wound is located at the left anterior tibia and consists of a round hole skin wound defect, 1/2 x 1/2 inch. This wound measures 10 inches from the left heel. There is no associated soot or stippling.
DIRECTION: The direction is front to back, downward and slightly left to right.
COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, and the left tibia and fibula bones.

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EXIT: The exit wound is located in the left posterior lower leg and consists of an irregular skin wound defect 1 x 1/2 inch. This wound measures 6 inches from the left heel.
PROJECTILE: None.
ASSOCIATED INJURIES: There are significant laceration and hemorrhagic defects of the left lower leg skin and subcutaneous soft tissue. There are compound and comminuted fractures involving the left tibia and fibula bones. See also description of gunshot wound #17 to follow.

GUNSHOT WOUND # 17
Gunshot wound #17 of left lower leg, perforating, potentially life-threatening wound.
ENTRY: The entry wound is located to the left anterior lower leg and consists also of a round hole skin wound defect, 1/2 x 1/2 inch. It measures 7-1/2 inches from the left heel. There is no soot or stippling observed.
DIRECTION: The direction is front to back, left to right, and downward.
COURSE: See description above under gunshot wound #16.
EXIT: The exit wound is located in the left medial leg, and consists of a large 1-1/2 x 1/2 inch oblong skin wound defect. There is no collar abrasion with this wound. This wound measures 6 inches from the left heel. There is an associated red small laceration defect, 1/4 inch, adjacent.
PROJECTILE: None.
ASSOCIATED INJURIES: See description above under gunshot wound #16.

GUNSHOT WOUND # 18
Gunshot wound #18 of the right foot, perforating, non-fatal wound.
ENTRY: The entry wound is located on the right foot between digits #1 and 2. This is the web portion of the digits. It consists of an oblong skin wound defect, 1/2 x 1/2 inches with ragged edges. No soot or stippling is observed.
DIRECTION: The direction is front to back and downward.
COURSE: The hemorrhagic wound passes through the right foot skin and subcutaneous soft tissue.
EXIT: The exit wound is located on the right sole of the foot and consists of a ragged irregular edged 1/2 x 1/4 inch wound.
PROJECTILE: A large caliber 10 mm copper-jacketed lead bullet that is deformed is recovered in the right tennis shoe on the date 03/07/2018 at 0905 hours and placed in projectile envelope #1.
ASSOCIATED INJURIES: There are mild hemorrhage and laceration defects of the right foot web, digits #1 and 2, and continuing to the sole of the right foot.

GUNSHOT WOUND # 19
Gunshot wound #19 of the right leg, perforating, non-fatal wound.
ENTRY: The entry wound is located at the right upper posterior leg. It consists of an eccentric skin wound defect, 3/4 x 1/2 inch, with a marginal red abrasion of 1/2 inch at the 5

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o'clock position. This wound measures 22-1/2 inches from the right heel. No soot or stippling is observed.
DIRECTION: The direction is back to front, upward and right to left.
COURSE: The hemorrhagic wound track passes through the skin and soft tissue.
EXIT: The exit wound is located at the right upper posterior medial leg, just inferior to the right buttock. It consists of an irregular small skin wound defect, 1/2 x 1/2 inch, and has a slit-like appearance.
PROJECTILE: No projectile is obtained in the tissue during the course of the autopsy. However, prior to the autopsy on the date 03/07/2018, the boxer shorts in the posterior portion where the hole defect is seen, has a deformed copper-jacketed lead bullet, large caliber 10 mm, recovered. It is placed in projectile envelope #2. It is recovered at 0912 hours. This bullet is associated with this wound.
ASSOCIATED INJURIES: There are hemorrhage and laceration defects of the right upper posterior leg skin and subcutaneous soft tissue. The right inferior buttock shows a vertical linear abrasion, 1/2 inches, associated with this wound.

GUNSHOT WOUND # 20
Gunshot wound #20 of the right upper leg, penetrating, potentially life-threatening wound.
ENTRY: The entry wound is located on the right upper posterior leg, inferior to the buttock, and consists of an eccentric skin wound defect, 1 x 1/4 inch with an inferior marginal abrasion. It measures about 25-1/2 inches from the right heel. No soot or stippling is observed.
DIRECTION: Upward.
COURSE: The hemorrhagic wound track passes through the skin, the subcutaneous soft tissue, and the right femur bone at the neck and head regions.
EXIT: None.
PROJECTILE: A deformed copper-jacketed lead bullet, large caliber, base of about 10 mm, is recovered from the right femur bone head/neck area at 1055 hours on the date 03/08/2018 and placed in projectile envelope #14.
ASSOCIATED INJURIES: There are hemorrhage and laceration defects of the right upper back leg skin, subcutaneous soft tissue, to include the posterior leg, and a portion of the inferior buttock. There is a comminuted large fracture of the intramedullary bone involving the right femur neck and head regions.

GUNSHOT WOUND # 21
Gunshot wound #21 of the right leg, penetrating, potentially life-threatening wound.
ENTRY: The entry wound is located at the right upper anterior medial leg and consists of a large gaping hole defect, 2 x 1 inches. This wound measures 16 inches from the right heel. There are numerous skin tags present. No soot or stippling is observed. There is a palpable bullet adjacent laterally, associated with this wound defect.
DIRECTION: The direction is left to right, upward and front to back.

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COURSE: The hemorrhagic wound track passes through the skin, subcutaneous soft tissue, and the distal right femur bone and right proximal tibia bone.
EXIT: None.
PROJECTILE: A 5 mm copper-jacketed lead bullet that is deformed is recovered from the right anterior upper thigh soft tissue. It is recovered on 03/08/2018 at 1020 hours and is placed in projectile envelope #11.
ASSOCIATED INJURIES: There are hemorrhage and laceration defects of the skin and subcutaneous soft tissue of the right upper anterior medial leg, and continuing into the right anterior thigh where there is a palpable bullet with associated purple contusion on the outer skin. There is a presumed internal ricochet off the distal tibial bone which is fractured along with fractures of the right proximal tibia bone where the bullet is recovered in the right anterior lateral thigh soft tissue. There is a slight hemorrhagic wound track continuing more medially, about 2 inches, and shows hemorrhage and laceration defects.

GUNSHOT WOUND # 22
Gunshot wound #22 of the right abdomen, penetrating, non-fatal wound.
ENTRY: The entry wound is located to the right lower abdominal quadrant and consists of an eccentric skin wound defect, 1/2 by 1/4 inch. There are marginal red abrasions, 1/2 x 1/4 inch at 12 o'clock and at 6 o'clock. No soot or stippling is identified. Superior to this is a small red abrasion, 1/2 x 3/16 inch. This wound measures from the top of the head 25-1/2 inches, from the top of the shoulders 18 inches, and right of the midline 4-3/4 inches.
DIRECTION: The direction is left to right and downward.
COURSE: The hemorrhagic wound track passes through the skin and subcutaneous soft tissue.
EXIT: None.
PROJECTILE: A deformed copper-jacketed lead bullet, large caliber, with a base of about 10 mm, is recovered from the right hip soft tissue at 0920 hours on 03/08/2018. It is placed in projectile envelope #9.
ASSOCIATED INJURIES: There are mild hemorrhage and laceration defects of the skin and subcutaneous soft tissue of the right lower abdominal quadrant leading into the right hip and upper leg region. No organs of the abdominal cavity are punctured.

GUNSHOT WOUND # 23
Gunshot wound #23 of the left hand, gutter type defect, non-fatal wound.
ENTRY: The entry wound is located on the left palmar medial aspect of the hand and consists of a red laceration defect 1-1/2 x 5/16 inch. There is a skin tag pointing downward. No soot or stippling is observed.
DIRECTION: Upward.
COURSE: The hemorrhagic wound track passes through skin and supraclavicular soft fatty tissue only.
EXIT: None.
PROJECTILE: None.

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ASSOCIATED INJURIES: There are slight hemorrhage and laceration defects into the left medial palmar soft tissue. A rod has been placed after the autopsy to indicate the direction upward.

GUNSHOT WOUND # 24
Gunshot wound #24 of the left hand, penetrating, non-fatal wound.
ENTRY: The entry wound is located at the left dorsum hand web, digits #4 and 5. It consists of an irregular hole defect, 1/2 inch, with the web portion of the hand showing a 9/16 inch hole. This wound measures 3 inches from the left wrist. No soot or stippling is observed.
DIRECTION: Anatomically upward and back to front.
COURSE: The hemorrhagic wound track passes through the skin and subcutaneous soft tissue.
EXIT: None.
PROJECTILE: A fragment of a copper jacket is recovered from the left palmar medial aspect of the hand with an associated linear contusion 2 inches, as shown on the hand diagram. This copper jacket fragment is recovered at 1050 hours on 03/08/2018 and placed in projectile envelope #15.

GUNSHOT WOUND # 25
Gunshot wound #25 of the right buttock, grazing gunshot wound, non-fatal.
ENTRY: The entry wound is located in the right buttock. There is no soot or stippling associated with this gunshot wound. This grazing gunshot wound measures 2 x 1/2 inches.
DIRECTION: Unknown.
COURSE: The hemorrhagic wound track is superficial, involving the epidermis and the dermis layers only of the skin.
EXIT: None.
PROJECTILE: None.
ASSOCIATED INJURIES: There are mild superficial abrasions involving the epidermis and dermis layers only.

OTHER INJURIES:
The left upper lateral arm shows a circular pattern faded purple contusion, 2-1/2 x 1-1/2 inches. The right medial lower leg shows a 1x1 inch red abrasion.

In addition to the described above bullets, additional fragments are obtained from the right front jacket and consist of a deformed copper-jacketed lead bullet that appears to be of small caliber, but it is torn in the clothing part of the right front jacket. This is obtained at 0915 hours on 03/07/2018 and placed in projectile envelope #3. Also obtained during the course of the autopsy on 03/08/2018 at 0845 from the right chest wall soft tissue are fragments of copper jacket which are unclear as to which bullet they are associated with. They are placed in a separate projectile envelope #6.

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The evidentiary items described above that are secured in one large bag, to include the handbags zip ties, the swabs, the fingernail scrapings and the gunshot residue kit, are placed and secured in locker #206 on 03/07/2018 at 1215. In addition, the bullets just described in this autopsy report with the numerous envelopes and numbers, are submitted in locker #207 on the date 03/08/2018 at 1215. Both these lockers are secured and locked.

INTERNAL EXAMINATION: The internal injuries associated with the gunshot wounds are described above.

The pectoralis muscles injuries are noted above. The body cavities have no peculiar or aromatic odors.

NECK: The strap muscles of the anterior neck are free of injury or infiltrates. The hyoid bone, thyroid cartilage and cricoid cartilage are intact. The thyroid gland is maroon, symmetric, and the cervical lymph nodes and parathyroid glands are inconspicuous.

CARDIOVASCULAR SYSTEM: The intact 260 gram heart has a smooth epicardial surface with normal distribution of epicardial adipose tissues. The coronary blood vessels are subepicardial and arise in their normal locations from the aorta. The myocardium is maroon without fibrosis or necrosis. The valve leaflets and cusps are all thin and delicate without vegetations or calcifications. The aorta, inferior vena cava and superior vena cava are all intact

RESPIRATORY SYSTEM: The traumatized right and left lungs are 230 grams each. They have atelectasis and the visceral and pleural injuries are described above. There is no parenchymal purulence, granulomas or neoplasms. The larynx, trachea and pulmonary bronchi show blood present as described above under injuries.

GASTROINTESTINAL SYSTEM: The oropharynx has a tan, smooth, unremarkable mucosa. The esophagus has a smooth, gray-white mucosa. The stomach has a smooth tan serosa and a smooth tan mucosa with normal rugal folds. The gastric wall is not thickened or indurated. The gastric contents consist of about 300 ml of gray liquid with partially digested food which cannot be identified. The stomach does not contain identifiable tablets, capsules or pill fragments. The duodenum has a smooth, bile-stained mucosa without ulcers. The small intestine has a smooth tan serosa and is not dilated or obstructed. The mesenteric lymph nodes are inconspicuous. The large intestine has normal haustral markings without descending or sigmoid colonic diverticula. The rectum has a smooth tan mucosa. Random incisions are made of both the small and large bowel and show soft green stool present. No blood is observed.

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GENITOURINARY SYSTEM: The right and left kidneys weigh 80 grams and 110 grams, respectively. The renal capsules are intact and strip with ease from the underlying cortices. Both kidneys have pale cortical surfaces, without persistent fetal lobulations. The renal parenchyma is firm, pale, and has good corticomedullary definition. The pyramids and papillae are unremarkable. The pelvicalyceal systems are normal, without dilatation or obstruction. The ureters are patent and normal in course and caliber to the urinary bladder. The renal arteries and veins are patent, without atherosclerosis or stenosis. The urinary bladder is intact, with a smooth tan mucosa, without erythema, hemorrhage, ulcer or mass lesion. The urinary bladder contains about 40 ml of clear urine, of which approximately 30 ml is used for the iCup drug of abuse screen. This screen shows the presence of THC and benzodiazepines. There are no drugs of abuse detected on this screen. See separate toxicology report.

The soft tan prostate gland is of normal size, and has a soft tan parenchyma without discoloration, induration or necrosis. The seminal vesicles are normal. The right and left testes are normally situated in the scrotum, and have a soft tan homogeneous parenchyma without hemorrhage, cysts or mass lesions.

MUSCULOSKELETAL SYSTEM: See the gunshot wound injuries described above.

HEAD AND CENTRAL NERVOUS SYSTEM: See the gunshot wound of the head description above for details. The fresh brain otherwise weighs 1,310 grams.

MICROSCOPIC DESCRIPTION: [To be filled in later.]

ANATOMIC SUMMARY:

I. GUNSHOT WOUND #1 OF THE HEAD, PENETRATING, FATAL WOUND
   - A. ENTRY: LEFT SUPERIOR PARIETAL TOP SCALP
     1. NO SOOTING
     2. NO STIPPLING
   - B. DIRECTION: LEFT TO RIGHT AND SHARPLY DOWNWARD
   - C. COURSE
     1. LEFT PARIETAL SCALP, SUBCUTANEOUS SOFT TISSUE, LEFT PARIETAL SKULL, LEFT PARIETAL DURA MATER AND LEFT PARIETAL BRAIN LOBE
     2. INTER HEMISPHERE BRAIN, MIDLINE BRAIN, BASAL GANGLIA, RIGHT MIDBRAIN AND RIGHT CEREBELLUM
     3. RIGHT BASAL DURA MATER AND THE RIGHT PETROUS BONE
   - D. EXIT: NONE

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E. PROJECTILE: A LARGE CALIBER DEFORMED COPPER JACKETED LEAD BULLET IS RECOVERED FROM THE BASE OF THE SKULL RIGHT PETROUS BONE

F. ASSOCIATED INJURIES
1. LACERATIONS OF THE LEFT PARIETAL SCALP, SUBCUTANEOUS SOFT TISSUE AND FRACTURE OF THE LEFT PARIETAL SKULL BONE AND LACERATION OF THE LEFT PARIETAL DURA MATER
2. LARGE LACERATION HEMORRHAGE TRACK OF THE LEFT PARIETAL BRAIN LOBE, INTER HEMISPHERE BRAIN, MIDLINE BRAIN, BASAL GANGLIA, MIDBRAIN AND THE RIGHT CEREBELLUM
3. LACERATIONS OF THE RIGHT BASE DURA MATER AND FRACTURE OF THE RIGHT PETROUS BONE
4. SUBDURAL HEMATOMA, MILD, DIFFUSE
5. MULTIPLE SKULL FRACTURES

II/III. GUNSHOT WOUNDS #2 AND 3 OF THE RIGHT UPPER CHEST, PERFORATING/PENETRATING, FATAL WOUNDS

A. ENTRY: RIGHT UPPER SLIGHTLY LATERAL OF THE CHEST
1. NO SOOTING
2. NO STIPPLING

B. DIRECTION: FRONT TO BACK, RIGHT TO LEFT AND DOWNWARDS (GUNSHOT WOUND #3) AND UPWARDS (GUNSHOT WOUND #2)

C. COURSE
1. SKIN, SUBCUTANEOUS SOFT TISSUE, PECTORALIS MUSCLES OF THE RIGHT CHEST
2. RIGHT ANTERIOR RIBS #1, 2 AND 3 (GUNSHOT WOUND #2) AND RIGHT LATERAL RIB #4 AND INTERCOSTAL SPACE (GUNSHOT WOUND #3)
3. RIGHT LUNG SUPERIOR, MIDDLE AND HILUM REGIONS
4. RIGHT POSTERIOR RIB #3 AND POSSIBLY RIGHT POSTERIOR RIBS #7, 8

D. EXIT: NONE FOR GUNSHOT WOUND #2; GUNSHOT WOUND #3 PROBABLE RIGHT MID-BACK

E. PROJECTILE: A DEFORMED COPPER JACKETED LEAD BULLET WITH A BASE OF ABOUT 5 MM IS RECOVERED FROM RIGHT BACK SOFT TISSUE NEAR THE SCAPULA (ASSOCIATED WITH GSW #2)

F. ASSOCIATED INJURIES
1. LACERATION AND HEMORRHAGE DEFECTS INVOLVING THE SKIN, SUBCUTANEOUS SOFT TISSUE AND PECTORALIS MUSCLES OF THE RIGHT CHEST

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2. LARGE HOLE DEFECT AND FRACTURES OF THE RIGHT ANTERIOR RIBS #1, 2 AND 3 FOR GUNSHOT WOUND #2, AND FRACTURE OF THE RIGHT POSTERIOR RIBS #7 AND 8, AND A SMALL HOLE DEFECT, AND FRACTURE OF THE RIGHT LATERAL RIB #4 AND INTERCOSTAL SPACE FOR GUNSHOT WOUND #3
3. LARGE LACERATION WOUND TRACK OF THE RIGHT LUNG SUPERIOR, MIDDLE AND HILUM AREAS, AS THERE IS OVERLAP BETWEEN THESE GUNSHOT WOUNDS #2 AND 3
   a. PRESUMED LARGE RIGHT HEMOTHORAX
   b. RIGHT LUNG ATELECTASIS

IV. IV. GUNSHOT WOUND #4 OF THE RIGHT CHEST, PENETRATING, FATAL WOUND

A. ENTRY: RIGHT CHEST
   1. NO SOOTING
   2. NO STIPPLING
B. DIRECTION: FRONT TO BACK AND PROBABLY DOWNWARD
C. COURSE
   1. SKIN, SUBCUTANEOUS SOFT TISSUE, PECTORALIS MUSCLES, RIGHT ANTERIOR RIBS #1, 2 AND 3
   2. RIGHT LUNG PROBABLE MIDDLE AND HILUM AND BASAL REGIONS
D. EXIT: NONE
E. PROJECTILE: A DEFORMED COPPER JACKETED LEAD BULLET, LARGE CALIBER, IS RECOVERED FROM THE RIGHT CHEST CAVITY.
F. ASSOCIATED INJURIES:
   1. LACERATION AND HEMORRHAGES OF THE SKIN, SUBCUTANEOUS SOFT TISSUE AND PECTORALIS MUSCLES, WITH FRACTURES OF RIGHT ANTERIOR RIBS #1, 2 AND 3
   2. RIGHT LUNG CONTRIBUTION TO LACERATIONS INVOLVING THE PRESUMED MIDDLE, HILUM AND BASAL REGIONS OF THE LUNG LOBE
      a. CONTRIBUTION TO RIGHT HEMOTHORAX
      b. RIGHT LUNG ATELECTASIS

V. GUNSHOT WOUND #5 OF CHEST, PENETRATING, FATAL WOUND

A. ENTRY: UPPER CHST
   1. NO SOOTING
   2. NO STIPPLING
B. DIRECTION: FRONT TO BACK AND DOWNWARD
C. COURSE
   1. SKIN, SUBCUTANEOUS SOFT TISSUE, PECTORALIS MUSCLES AND THE RIGHT ANTERIOR RIBS #1, 2 AND 3

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2. RIGHT LUNG OVERLAP, SUPERIOR, MIDDLE AND HILUM REGIONS

D. EXIT: NONE

E. PROJECTILE: A LARGE CALIBER COPPER JACKETED LEAD BULLET IS RECOVERED FROM THE RIGHT CHEST CAVITY

F. ASSOCIATED INJURIES: SEE DESCRIPTION ABOVE UNDER GUNSHOT WOUND #4

VI. GUNSHOT WOUND #6 OF THE LEFT ABDOMINAL QUADRANT, PENETRATING, FATAL WOUND

A. ENTRY: LEFT UPPER ABDOMINAL QUADRANT
1. NO SOOTING
2. NO STIPPLING

B. DIRECTION: UPWARDS AND RIGHT TO LEFT

C. COURSE
1. SKIN, SUBCUTANEOUS SOFT TISSUE, PERITONEUM, ABDOMINAL CAVITY AND SPLEEN
2. LEFT DOME OF THE DIAPHRAGM AND LEFT LUNG SUPERIOR LOBE BASAL REGION

D. EXIT: NONE

E. PROJECTILE: A DEFORMED LARGE CALIBER COPPER JACKETED LEAD BULLET IS RECOVERED FROM THE LEFT UPPER ABDOMINAL CAVITY SOFT TISSUE

F. ASSOCIATED INJURIES
1. HEMORRHAGE AND LACERATION DFECTS OF THE SKIN, SUBCUTANEOUS SOFT TISSUE, PERITONEUM, ABDOMINAL CAVITY AND SPLEEN
2. HEMORRHAGE AND LACERATION DEFECTS OF THE LEFT DOME OF THE DIAPHRAGM AND LEFT LUNG SUPERIOR LOBE, BASAL REGION WITH ONE HOLE DEFECT
a. LEFT HEMOTHORAX
b. LEFT LUNG ATELECTASIS

VII. GUNSHOT WOUND #7 OF THE RIGHT ARM, PERFORATING, POTENTIALLY LIFE-THREATENING WOUND

A. ENTRY: RIGHT FOREARM
1. NO SOOTING
2. NO STIPPLING
3. PSEUDO-STIPPLING PRESENT

B. DIRECTION: BACK TO FRONT

C. SKIN, SUBCUTANEOUS SOFT TISSUE, TENDON MUSCLES OF THE RIGHT RADIAL ULNA BONES

D. EXIT: RIGHT ANTERIOR FOREARM

E. PROJECTILE: NONE

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F. ASSOCIATED INJURIES
1. HEMORRHAGE AND LACERATION DEFECTS, LARGE OF THE SKIN, SUBCUTANEOUS SOFT TISSUE, TENDONS, MUSCLES OF THE RIGHT FOREARM
2. COMPOUND, COMMINUTED AND COMPLETE FRACTURES OF THE RIGHT ULNA AND RADIAL BONE

VIII. VIII. GUNSHOT WOUND #8 OF THE RIGHT ARM, PERFORATING, POTENTIALLY LIFE-THREATENING WOUND
A. ENTRY: RIGHT FOREARM
1. NO SOOTING
2. NO STIPPLING
3. PSEUDO-STIPPLING PRESENT
B. DIRECTION: BACK TO FRONT
C. COURSE: SEE DESCRIPTION ABOVE FOR GUNSHOT WOUND #7
D. EXIT: SEE DESCRIPTION ABOVE FOR GUNSHOT WOUND #7
E. PROJECTILE: NONE
F. ASSOCIATED INJURIES: SEE DESCRIPTION ABOVE FOR GUNSHOT WOUND #7

IX. GUNSHOT WOUND #9 OF THE RIGHT FOREARM, PERFORATING, POTENTIALLY LIFE-THREATENING WOUND.
A. ENTRY: RIGHT FOREARM
1. NO SOOTING
2. NO STIPPLING
B. DIRECTION: BACK TO FRONT
C. COURSE: SEE DESCRIPTION ABOVE FOR GUNSHOT WOUND #7
D. EXIT: RIGHT VENTRAL FOREARM
E. PROJECTILE: NONE
F. ASSOCIATED INJURIES: SEE DESCRIPTION ABOVE FOR GUNSHOT WOUND #7

X. GUNSHOT WOUND #10 OF RIGHT ARM, PERFORATING, NON-FATAL WOUND
A. ENTRY: RIGHT ELBOW
1. NO SOOTING
2. NO STIPPLING
B. DIRECTION: RIGHT TO LEFT AND UPWARD
C. COURSE: SKIN AND SUBCUTANEOUS SOFT TISSUE
D. RIGHT MEDIAL ARM
E. PROJECTILE: NONE
F. ASSOCIATED INJURIES
1. MILD SUBCUTANEOUS HEMORRHAGE AND LACERATION DEFECTS

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XI. GUNSHOT WOUND #11 OF THE LEFT ELBOW, PERFORATING, NON-FATAL WOUND
- A. ENTRY: LEFT POSTERIOR ELBOW
  1. NO SOOTING
  2. NO STIPPLING
- B. DIRECTION: BACK TO FRONT
- C. COURSE: SKIN AND SUBCUTANEOUS SOFT TISSUE
- D. EXIT: LEFT VENTRAL FOREARM
- E. PROJECTILE: NONE
- F. ASSOCIATED INJURIES
  1. MILD SUBCUTANEOUS HEMORRHAGE AND LACERATION DEFECTS
- F. ASSOCIATED INJURIES
  1. HEMORRHAGE AND LACERATION DEFECTS OF THE SKIN AND SUBCUTANEOUS SOFT TISSUE

XII. GUNSHOT WOUND #12 OF THE LEFT ARM, PERFORATING/PENETRATING, POTENTIALLY LIFE-THREATENING WOUND
- A. ENTRY: LEFT MEDIAL UPPER ARM
  1. NO SOOTING
  2. NO STIPPLING
- B. DIRECTION: RIGHT TO LEFT, FRONT TO BACK AND UPWARD
- C. COURSE
  1. SKIN, SUBCUTANEOUS SOFT TISSUE, MUSCLE, LEFT DISTAL HUMERUS BONE
- D. EXIT: LEFT UPPER LATERAL ARM
- E. PROJECTILE: A DEFORMED COPPER JACKETED LEAD BULLET, LARGE CALIBER, IS RECOVERED FROM THE LEFT MEDIAL INNER ARM SOFT TISSUE
- F. ASSOCIATED INJURIES
  1. HEMORRHAGE AND LACERATION DEFECTS OF THE SKIN, SUBCUTANEOUS SOFT TISSUE, MUSCLES TO INCLUDE THE BICEPS AND TRICEPS OF THE LEFT ARM
  2. FRACTURE OF THE LEFT DISTAL HUMERUS BONE WITH ASSOCIATED HEMORRHAGE

XIII. GUNSHOT WOUND #13 OF THE LEFT LEG, PENETRATING, NON-FATAL WOUND
- A. ENTRY: LEFT ANTERIOR UPPER THIGH LEG
  1. NO SOOTING
  2. NO STIPPLING
- B. DIRECTION: SHARPLY UPWARD
- C. COURSE

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1. SKIN, SUBCUTANEOUS SOFT TISSUE, QUADRICEPS MUSCLE, AND THE LEFT HIP LATERAL SOFT TISSUE

D. EXIT: NONE

E. PROJECTILE: A DEFORMED COPPER JACKETED LEAD BULLET, LARGE CALIBER, IS RECOVERED FROM THE LEFT LATERAL HIP SOFT TISSUE

F. ASSOCIATED INJURIES

1. MILD HEMORRHAGE AND LACERATION DEFECTS OF THE SKIN, SUBCUTANEOUS SOFT TISSUE, QUADRICEPS MUSCLE AND THE LEFT LATERAL HIP SOFT TISSUE

XIV. GUNSHOT WOUND #14 OF THE LEFT LEG, PERFORATING, NON-FATAL WOUND

A. ENTRY: LEFT ANTERIOR KNEE

1. NO SOOTING
2. NO STIPPLING

B. DIRECTION: SHARPLY DOWNWARD

C. COURSE: SKIN AND SUBCUTANEOUS SOFT TISSUE

D. EXIT: THE LEFT POSTERIOR LOWER LEG

E. PROJECTILE: NONE

F. ASSOCIATED INJURIES

1. HEMORRHAGE AND LACERATION DEFECTS OF THE LEFT LEG, SKIN AND SOFT TISSUE

XV. GUNSHOT WOUND #15 OF THE RIGHT LEG, PERFORATING, NON-FATAL WOUND

A. ENTRY: RIGHT ANTERIOR LOWER LEG

1. NO SOOTING
2. NO STIPPLING

B. DIRECTION: FRONT TO BACK AND DOWNWARD

C. COURSE

1. SKIN AND SUBCUTANEOUS SOFT TISSUE

D. EXIT: RIGHT POSTERIOR LOWER LEG

E. PROJECTILE: NONE

F. ASSOCIATED INJURIES

1. HEMORRHAGE AND LACERATION DEFECTS OF THE SKIN AND SUBCUTANEOUS SOFT TISSUE OF THE RIGHT LEG

XVI. GUNSHOT WOUND #16 OF THE LEFT LEG, PERFORATING, POTENTIALLY LIFE-THREATENING WOUND

A. ENTRY: LEFT ANTERIOR TIBIA

1. NO SOOTING
2. NO STIPPLING

B. DIRECTION: FRONT TO BACK, DOWNWARD AND SLIGHTLY LEFT TO RIGHT

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C. COURSE: SKIN, SUBCUTANEOUS SOFT TISSUE AND THE LEFT TIBIA-FIBULA BONES
D. EXIT: LEFT POSTERIOR LOWER LEG
E. PROJECTILE: NONE
F. ASSOCIATED INJURIES:
1. SIGNIFICANT HEMORRHAGE AND LACERATION DEFECTS OF THE LEFT LOWER LEG SKIN AND SUBCUTANEOUS SOFT TISSUE
2. COMMINUTED AND COMPOUND FRACTURES OF THE LEFT TIBIA AND FIBULA BONES

XVII. GUNSHOT WOUND #17 OF THE LEFT LOWER LEG, PERFORATING, POTENTIALLY LIFE-THREATENING WOUND
A. ENTRY: LEFT ANTERIOR LOWER LEG
1. NO SOOTING
2. NO STIPPLING
B. DIRECTION: FRONT TO BACK, LEFT TO RIGHT AND DOWNWARD
C. COURSE: SEE DESCRIPTION ABOVE, GUNSHOT WOUND #16
D. EXIT: LEFT MEDIAL LOWER LEG
E. PROJECTILE: NONE
F. ASSOCIATED INJURIES: SEE DESCRIPTION ABOVE, GUNSHOT WOUND #16

XVIII. GUNSHOT WOUND #18 OF THE RIGHT FOOT, PERFORATING, NON-FATAL WOUND
A. ENTRY: RIGHT FOOT WEB, DIGITS #1 AND 2
1. NO SOOTING
2. NO STIPPLING
B. DIRECTION: FRONT TO BACK AND DOWNWARD
C. COURSE: RIGHT FOOT SKIN AND SUBCUTANEOUS SOFT TISSUE
D. EXIT: RIGHT SOLE OF FOOT
E. PROJECTILE: RIGHT TENNIS SHOE SHOWS A LARGE CALIBER DEFORMED COPPER JACKETED LEAD BULLET
F. ASSOCIATED INJURIES
1. MILD HEMORRHAGE AND LACERATION DEFECTS OF THE RIGHT FOOT, TO INCLUDE THE SOLE

XIX. GUNSHOT WOUND #19 OF THE RIGHT LEG, PERFORATING, NON-FATAL WOUND
A. ENTRY: RIGHT UPPER POSTERIOR LEG
1. NO SOOTING
2. NO STIPPLING
B. DIRECTION: BACK TO FRONT, UPWARD AND RIGHT TO LEFT
C. COURSE: SKIN AND SUBCUTANEOUS SOFT TISSUE

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D. EXIT: RIGHT UPPER MEDIAL LEG, INFERIOR TO THE RIGHT BUTTOCK
E. PROJECTILE: NONE IN THE SOFT TISSUE; HOWEVER A DEFORMED COPPER JACKETED LEAD BULLET, LARGE CALIBER, IS RECOVERED IN THE BOXER SHORTS
F. ASSOCIATED INJURIES:
1. HEMORRHAGE AND LACERATION DEFECTS OF THE RIGHT UPPER MEDIAL LEG SKIN AND SOFT TISSUE
2. RIGHT INFERIOR BUTTOCK WITH VERTICAL LINEAR ABRASION

XX. GUNSHOT WOUND #20 OF THE RIGHT UPPER LEG, PENETRATING, POTENTIALLY LIFE-THREATENING WOUND
A. ENTRY: RIGHT UPPER POSTERIOR LEG, INFERIOR TO THE BUTTOCK
B. DIRECTION: UPWARD
C. COURSE
1. SKIN, SUBCUTANEOUS SOFT TISSUE AND THE RIGHT FEMUR BONE, NECK/HEAD
D. EXIT: NONE
E. PROJECTILE: A DEFORMED COPPER JACKETED LEAD BULLET, LARGE CALIBER, IS RECOVERED IN THE INTRAMEDULLARY BONE OF THE RIGHT FEMUR, NECK AND HEAD PORTIONS
F. ASSOCIATED INJURIES:
1. SKIN, SUBCUTANEOUS SOFT TISSUE WITH HEMORRHAGE AND LACERATION DEFECTS OF THE RIGHT UPPER POSTERIOR LEG AND INFERIOR BUTTOCK AND THE HIP SOFT TISSUE
2. COMMINUTED FRACTURES AND HEMORRHAGE OF THE RIGHT FEMUR BONE, INVOLVING THE NECK AND HEAD REGIONS

XXI. GUNSHOT WOUND #21 OF THE RIGHT LEG, PENETRATING, POTENTIALLY LIFE-THREATENING WOUND
A. ENTRY: RIGHT UPPER ANTERIOR MEDIAL LEG
1. NO SOOTING
2. NO STIPPLING
B. DIRECTION: LEFT TO RIGHT, UPWARD AND FRONT TO BACK
C. COURSE: SKIN AND SUBCUTANEOUS SOFT TISSUE, AND THE DISTAL FEMUR BONE AND PROXIMAL TIBIA BONE
D. EXIT: NONE
E. PROJECTILE: A 5 MM COPPER JACKETED BULLET, DEFORMED, IS RECOVERED FROM THE RIGHT ANTERIOR UPPER THIGH SOFT TISSUE
F. ASSOCIATED INJURIES

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1. HEMORRHAGE AND LACERATION DEFECTS OF THE RIGHT LEG SKIN AND SOFT TISSUE
2. FRACTURES AND HEMORRHAGE INVOLVING THE RIGHT DISTAL FEMUR BONE AND THE PROXIMAL TIBIA BONE

XXII. GUNSHOT WOUND #22 OF THE RIGHT ABDOMEN, PENETRATING, NON-FATAL WOUND
- A. ENTRY: RIGHT LOWER ABDOMINAL QUADRANT
  1. NO SOOTING
  2. NO STIPPLING
- B. DIRECTION: LEFT TO RIGHT AND DOWNWARD
- C. COURSE: SKIN AND SUBCUTANEOUS SOFT TISSUE
- D. EXIT: NONE
- E. PROJECTILE: A DEFORMED COPPER JACKETED LEAD BULLET, LARGE CALIBER, IS RECOVERED FROM THE RIGHT HIP LATERAL SOFT TISSUE
- F. ASSOCIATED INJURIES
  1. HEMORRHAGE AND LACERATION DEFECTS OF THE RIGHT HIP SOFT TISSUE AND THE RIGHT UPPER LEG SKIN AND SOFT TISSUE

XXIII. GUNSHOT WOUND #23 OF THE LEFT HAND, GUTTER TYPE DEFECT, NON-FATAL WOUND
- A. ENTRY: LEFT PALMAR MEDIAL HAND
  1. NO SOOTING
  2. NO STIPPLING
- B. DIRECTION: UPWARD
- C. COURSE: SKIN AND SUBCUTANEOUS SOFT FATTY TISSUE
- D. EXIT: NONE.
- E. PROJECTILE: NONE.
- F. ASSOCIATED INJURIES: SLIGHT HEMORRHAGE AND LACERATION DEFECT INTO THE LEFT MEDIAL PALMAR SOFT FATTY TISSUE

XXIV. GUNSHOT WOUND #24 OF THE LEFT HAND, PENETRATING, NON-FATAL WOUND
- A. ENTRY: LEFT DORSUM HAND WEB, DIGITS #4, 5
  1. NO SOOTING
  2. NO STIPPLING
- B. DIRECTION: ANATOMICALLY UPWARD AND BACK TO FRONT
- C. COURSE: SKIN AND SUBCUTANEOUS SOFT TISSUE
- D. EXIT: NONE
- E. PROJECTILE: A FRAGMENT OF COPPER JACKET RECOVERY FROM THE LEFT PALMAR MEDIAL ASPECT OF THE SOFT TISSUE
- F. ASSOCIATED INJURIES: MILD HEMORRHAGE AND LACERATION DEFECTS OF THE SUBCUTANEOUS FATTY TISSUE OF THE LEFT

SFDPA - 0097-18 - 001903

PALMAR HAND, AND ASSOCIATED PURPLE CONTUSION ON THE OUTER SKIN

XXV. GUNSHOT WOUND #25 OF THE RIGHT BUTTOCK, GRAZING GUNSHOT WOUND, NON-FATAL
- A. ENTRY: RIGHT BUTTOCK
  1. NO SOOTING
  2. NO STIPPLING
- B. DIRECTION: UNKNOWN
- C. COURSE: SUPERFICIAL EPIDERMIS AND DERMIS LAYERS
- D. EXIT: NONE
- E. PROJECTILE: NONE
- F. ASSOCIATED INJURIES: MINIMAL SUPERFICIAL ABRASIONS TO THE EPIDERMIS AND DERMIS LAYERS ONLY

XXVI. OTHER INJURIES
- A. LEFT UPPER LATERAL ARM WITH CIRCULAR PATTERN CONTUSION
- B. RIGHT LOWER LEG MEDIAL SIDE ABRASION

XXVII SEE TOXICOLOGY REPORT

CAUSE OF DEATH:	**MULTIPLE GUNSHOT WOUNDS**
MANNER:	**HOMICIDE**
Spec. to Pathology:	Portions of brain, heart, lungs, liver, kidney, spleen, adrenal glands, pancreas, coronary arteries, thyroid gland, pituitary gland, appendix and gallbladder
Spec. to Histology:	Five cassettes are submitted: #1 and 2: heart, #3 and 4: lung, #5: liver
Spec. to Toxicology:	Central blood in gray-top tubes (2), urine, vitreous humor, gastric contents and liver.
Radiographs:	Two, taken by R. Sehmar.
Physicians Present:	A.P. Hart, M.D.
Forensic Techs:	R. Sehmar.
Photographer:	R. Sehmar.

SFDPA - 0097-18 - 001904

CITY AND COUNTY OF SAN FRANCISCO
Office of the Chief Medical Examiner
Medical Division

Case No. [redacted]

Name: **DELGADO-DUARTE, JESUS** Date/Time of Necropsy: **March 7, 2018 0900 Hours**
AKA: DOE #32, JOHN **and March 8, 2018 0900 Hours**

Evidence:

Blood spot on filter paper x2.
Fingernail scrapings from both hands.
Swabs from the front and back of both hands.
Medical Examiner's Seal (#158816).
Bags and plastic straps from both hands.
Gunshot residue sampling kit.
Fifteen projectile envelopes submitted—see description above under the autopsy report
Clothing articles described above.
Two keys.
A quarter, a nickel and three pennies.
Jewelry, to include one gold bracelet a necklace, and two earrings.
The fanny pack described under clothing.

[redacted] M.D.
3-13-2018
Louis A. Pena, M.D.
Assistant Medical Examiner

M.D. Hunter, M.D. MH
A.P. Hart, M.D.
E.G. Moffatt, M.D.
H.S. Narula, M.D.
L.A. Pena, M.D.

LP/PMT

MH 2018 MAR 13 PM 2:47
SAN FRANCISCO
MEDICAL EXAMINER

SFDPA - 0097-18 - 001905

City and County of San Francisco

FORENSIC LABORATORY DIVISION

Office of the Chief Medical Examiner

SAN FRANCISCO MEDICAL EXAMINER
2018 JUN 29 PM 3:53

TOXICOLOGY REPORT

NAME: DELGADO-DUARTE, JESUS
CASE NO: [redacted]

SUBMISSION DATE: 03/09/2018
REPORT DATE: 06/25/2018

M. E.: LP

ANALYTICAL RESULTS:

SPECIMEN TYPE	COMPOUND	RESULT	UNITS	ANALYSIS BY
Blood (Cardiac/Central)	Volatiles	None Detected		HS-GC-FID
Blood (Cardiac/Central)	Alprazolam	525	ng/mL	LC-MS/MS
Blood (Cardiac/Central)	Δ^9 THC	Confirmed Present[1]		LC-MS/MS
Blood (Cardiac/Central)	Δ^9 Carboxy THC	Confirmed Present[1]		LC-MS/MS
Blood (Cardiac/Central)	Caffeine	Detected		GC-MS
Urine	Alprazolam	Confirmed Present		LC-MS/MS
Urine	α-Hydroxy-Alprazolam	Confirmed Present		LC-MS/MS
Urine	Δ^9 Carboxy THC	Confirmed Present		LC-MS/MS

CASE REVIEW:

[redacted]

Eric A. Ingle, M.S., D-ABFT-FT
Forensic Toxicologist

DIVISIONAL CASE REVIEW:

[redacted]

Luke N. Rodda, Ph.D.
Director & Chief Forensic Toxicologist

COMMENTS:
Report prepared by CMW.
This case was first submitted to this Division under the name "Doe #32, John."
[1]Confirmed Present result by Liquid Chromatography–Tandem Mass Spectrometry (LC-MS/MS). Please contact the Forensic Laboratory Division if quantitative values are needed.

ANALYTICAL PROTOCOL:
Specimens submitted were subjected to Analytical Panels A, B and B+. Analytical Panel A employs HS-GC-FID to detect and quantify the following volatiles: ethanol, methanol, isopropanol and acetone. Analytical Panel B employs Biochip Array Technology, GC, GC-MS and/or LC-MS/MS to detect, confirm and/or quantify Amphetamines, Barbiturates, Bath Salts I & II, Benzodiazepines, Benzylpiperazines, Buprenorphine, Cannabinoids, Chloral Hydrate, Cocaine, Ethyl Glucuronide (EtG), Fentanyl, Haloperidol, Ibuprofen, Ketamine, Lysergic Acid Diethylamide (LSD), Meprobamate, Mescaline, Methadone, Opiates, Opioids, Oxycodone, Phencyclidine (PCP), Phenylpiperazines I & II, Propoxyphene, Salicylates, Salvinorin, Synthetic Cannabinoids I, II, III, IV & V, Tricyclic Antidepressants, Zaleplon, Zolpidem and Zopiclone. Analytical Panel B+ employs GC-MS to detect and/or confirm over one hundred drugs and metabolites. Please contact the Forensic Laboratory Division if you have questions regarding specific substances.

From:	Fiore, Nina (ADM)
To:	Carpenter, Candace (DPA)
Subject:	2018-0222 DPA Case #0097-18
Date:	Wednesday, January 2, 2019 1:52:16 PM
Attachments:	2018-0222 DELGADO-DUARTE.pdf

Hello Candace,
Per your request of 12/24/2018, attached please find the medical examiner's report on the case of Jesus Delgado Duarte.
Sincerely,

Nina Fiore Executive Secretary II
Office of the Chief Medical Examiner 1 Newhall Street San Francisco, CA 94124
415-641-3604 Phone 415-641-5334 Fax

City and County of San Francisco
Office of the Chief Medical Examiner

Case#: [redacted] SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M
MH AH EM HN LP Date: 3/7/2018

Time: 0900 **Techs:** JW/AM/SH/WO/RS **Docs:** MH/EM/AH/HN/LP

Age: 25± (19 subsequently ID'd) **Race/Sex:** white male **Height:** 5' 6" **Weight:** 146 lbs.

Sealed Body Bag: Yes X No **ME Seal #** 158816 **Removed by** Louis Reap **Date:** 3-7-18 **Time:** 0900

Received in: ME pouch ____ Hospital pouch ____ White sheet ____

ID Label: ME: right/left wrist/ankle/toe Hosp: right/left wrist/ankle/toe ____

Clothing: None ____ Sealed plastic bag ____ As listed X

Clad in usual fashion	Partially cut	Accompanying Body (HandBags) (GSR kit)
Hat ____	Pajamas ____	X Belt black
X Jacket ____	Nightgown ____	X Pants ____
Coat ____	Hosp gown/Robe ____	Shorts ____
Sweater ____	Blouse ____	X Underpants /diaper boxer shorts
X Shirt ____	Slip ____	X Shoes Tom's
Undershirt ____	Bra ____	Boots ____
X Other handcuffs removed metrolina #1469 926 am removal 3-7-2018		X Socks/Stockings ____

Valuables: None ____ As listed X

Wallet ____	X Necklace 1	Credit Cards ____
Watch ____	X Earrings R/L	
Ring(s) ____	X Bracelet left wrist (gold)	X Keys 2
Cards/papers ____		X Money $ .33 (1 quarter, nickle, 3 pennies)
Other ____		

TEMP: Warm Cool (Cold) **RIGOR MORTIS:** None Slight Moderate (Marked) ____

LIVOR MORTIS: Fixed X Blanchable ____ Minimally evident X
Green-/Brown ____ Purple ____ Red X Pink/Cherry red ____ Other ____
Anterior ____ Posterior dependent areas X Head & neck above clavicles ____ Other ____

DECOMP? Yes ____ No X Early Moderate Advanced : ____

EMBALMED? Yes ____ No X Evidence of ____

ORGAN DONOR? Yes ____ No X Evidence of ____

HAIR: Color ____ ← See diagrams → **EYES:** Color ____ Arcus senilis ____
Length ____ Pupil size ____ Bilat equal ____ L ____ R ____
Straight ____ Wavy ____ Curly ____ Corneas: translucent clouded
Thinning/Balding Front/Temp/Top Sclerae & conjunctivae: unremarkable ____ tache noir ____
congested ____ other ____

NOSE: unremarkable X or ____

EARS: unremarkable X Pierced X R X L

MUSTACHE: Yes X No ____ Stubble ____ ____" **BEARD:** Yes X No ____ Stubble ____ Color ____"

TEETH: Natural X Irregularly absent ____ Few ____ Edentulous ____
Repair: (Good) Adequate Poor Caries Multiple restorations Bridge Dentures in place Yes ____ No ____

NECK: unremarkable X or ____

THORAX: well developed & symmetrical X Increased A/P diameter ____ Other ____

ABDOMEN: ~~scaphoid~~ (flat) protuberant obese striae

ANUS & BACK: unremarkable ____ hemorrhoids ____ Other see handout wound diagrams

GENITALIA: NO APPARENT Trauma
(Male:) Circum ____ Uncircum ____ Female: Breasts well developed ____ w/o masses ____
Testes descended R X L X Genitalia – normal female ____

UPPER & LOWER EXTREMITIES: Well developed & symmetrical: Yes X No ____ TN ____
All digits present and ~~normal~~ see handout wound diagrams Yes X No ____ TN ____

Clubbing ∅ Edema ∅ Onychomycosis ∅

SFDPA - 0097-18 - 001908

City & County of San Francisco

Office of the Chief Medical Examiner

MEDICAL DIVISION

Case#: [redacted] SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M
MH AH EM HN LP Date: 3/7/2018 ~~3/7/20178~~ 3/8/2018

& 2 Unremarkable

INTERNAL EXAMINATION

Brain	1310	g
Heart	260	g
L Lung	230	g
R Lung	230	g
Spleen	90	g
Liver	940	g
L Kidney	110	g
R Kidney	80	g

L Pleural	~ 300	ml
R Pleural	~ 300	ml
Pericardial	∅	ml
Peritoneal	WNL minimal rem	ml

respiratory blood clots (U.S.) = 20.573ml

Stomach	~ 300	ml
Bladder	~ 40	ml
Gallbladder	~ 3	ml

Stomach: grey liquid, partially digested
Bladder: clear urine; 1 cup (+) marijuana THC, benzo. No opiates
Gallbladder: green liquid; No calculi

Body Wall Fat: 4 cm (max) abd 1.5 cm chest

GENITAL
Prostate & Testes &
Uterus Tubes Ovaries

Special Notes:
Histo (Stock jar): Heart, Lungs, Liver, Kidney, Spleen, Adrenal, Pancreas, Brain, Cornea, Thyroid, PM, Aorta, Bladder
Total No. Stock Jars stored: 1
Histo (Cassette/Tissue submitted to Lab): 5
1,2-Heart 3,4-R. Lung 5-Liver

HEAD skull fractures

CENTRAL NERVOUS SYSTEM SDH - mild - severe lacerations &
CSF Pressure Clear Xantho Decomp

NECK &

CAVITIES R. hemothorax at autopsy

CARDIOVASCULAR R L

LV 1.0cm & septum
RV 0.4cm
TV = 12cm
PV = 6cm
MV = 9cm
AV = 6cm
Myocardium &
Valves &
Foramen Ovale closed

LAD & PDA
LCX &
RCA & LCA &
Carotids &
Aorta &
L. Dome Diaphragm - Lacerated

RESPIRATORY Bloody Rel pleural R lung - upper lobes lacerated + fallen
Trachea/Bronchi blood present L lung sup lobe bruising resp's 1 side dried

HEPATOBILIARY &
Free

LYMPHORETICULAR & Spleen lacerated ~3cm
Enlarged

URINARY &
Trabeculations

GASTROINTESTINAL
Tongue & Esophagus & Soft green stool
Small Int. & Large Int. &
Appendix present absent

ENDOCRINE
Pituitary & Pancreas &
Adrenal & Thyroid &

Bullets precautionarily submitted under 287 3-8-18 1215

MUSCULOSKELETAL
Hyoid &
4th R Rib
Fractures R post R rib #s 8,7 R post rib #3
Psoas &
R ant ribs 1,2,3 R lat ribs #4 + ICS

MISCELLANEOUS Multiple gunshot wounds 075
- Homicide

Medical Examiner: Laura A. Fenn MD 3-8-2018

City & County of
San Francisco

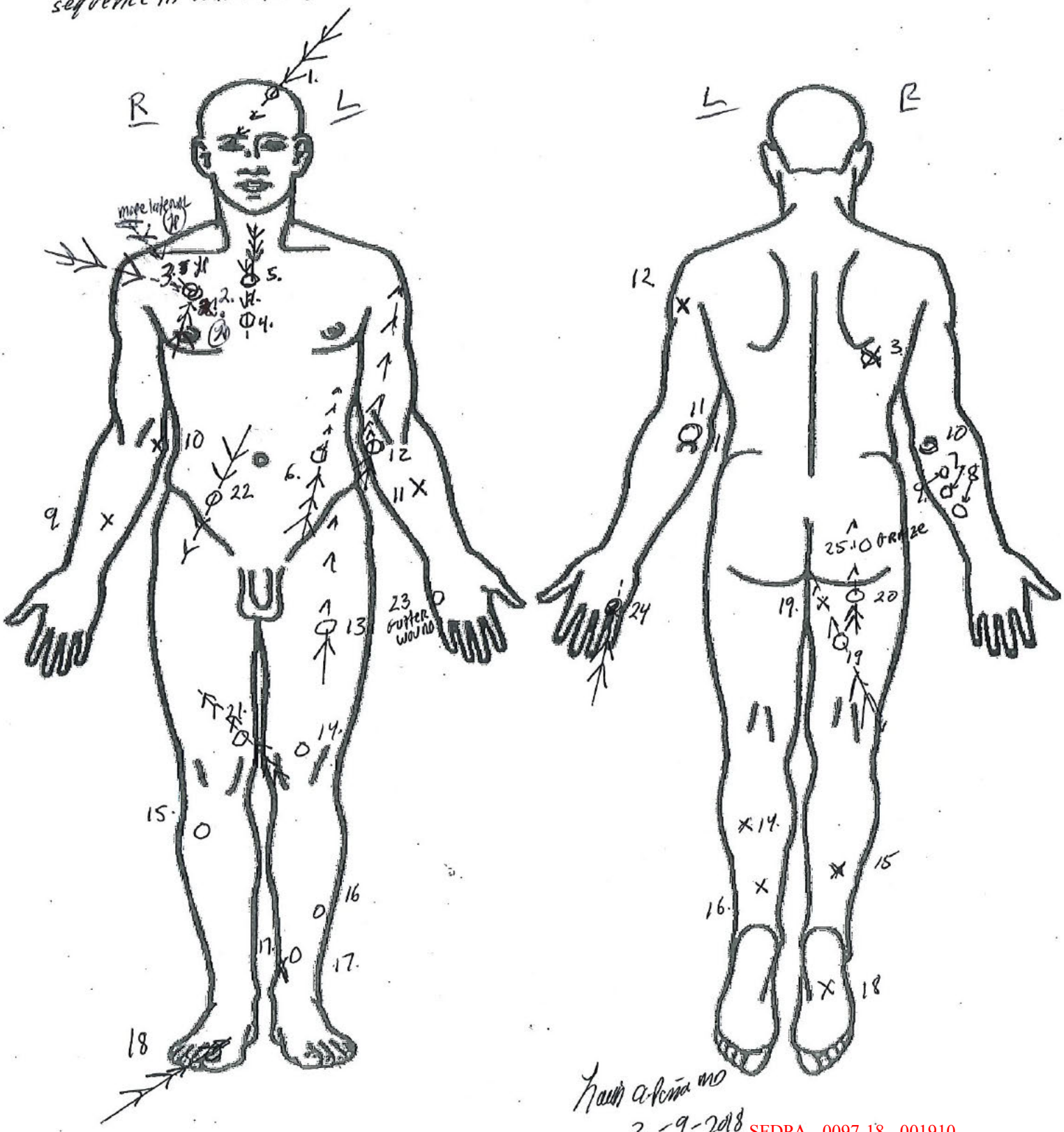
Office of the Chief
Medical Examiner

MEDICAL DIVISION

Case#: [redacted] SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M 3/8/2018
MH AH EM HN LP Date: ~~3/7/2018~~

There are 25 gunshot wounds numbered to the body. The numbering is ~~AR~~ arbitrary. It is not intended to indicate the sequence in which the gunshots occurred.

(Over all gunshot wounds Diagram
O = entry
X = Exit



Kaur a-Arora MD
3-9-2018
Dictated Case

SFDPA - 0097-18 - 001910

City & County of San Francisco

Office of the Chief Medical Examiner

MEDICAL DIVISION

Case#: [redacted] SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M
MH AH EM HN LP Date: 3/7/2018

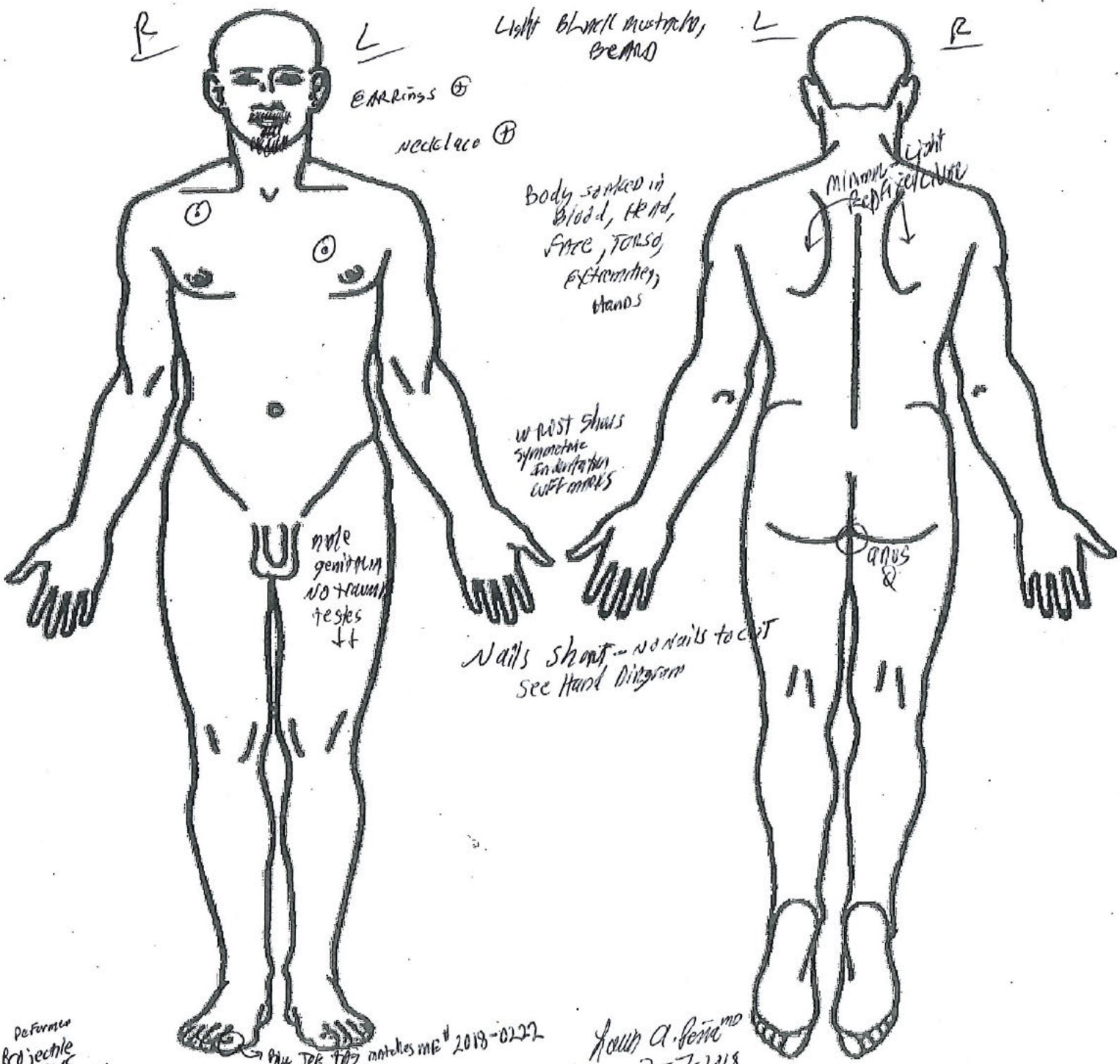
eyes = Brown
No petech
Teeth = own
Frenulum intact

H and = Black short straight hair

[General Diagram]

+ Rigor

⊙ = EKG PADS



1. Deformed Projectile 9:05 CJ lead bullet R. tennis shoe ~ 10mm base

2. Deformed CJ Lead bullet 9:12 AM base ~ 10mm Beyer shoes

3. Defc CJ lead bullet small base Photo side wound Rec Front Shoulder

Pic Tok this matches ME# 2018-0222

Louis A. Peña MD 3-7-2018

Locker [redacted] 1215 pm 3-7-18 secured Hands bagged and sealed with tissues and rigor present

SFDPA-0097-18 - 001911

City and County of San Francisco **Chief Medical Examiner**

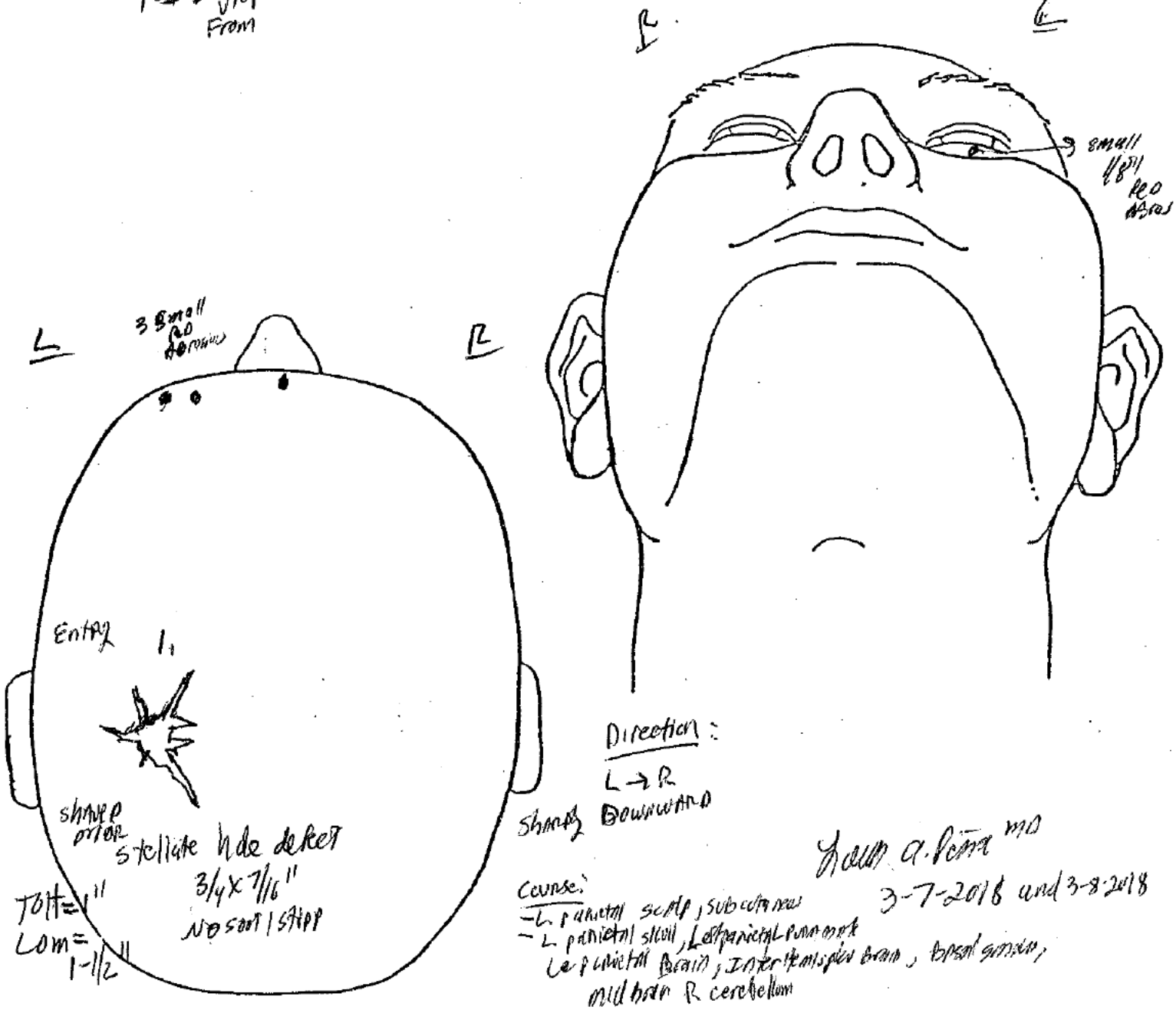
Case No.: [redacted] **Name:** DOE #32, JOHN

Autopsy Date: 3-07-2018 **Time:** 0900 **Medical Examiner:** Louis A. Pena

All gunshot wounds on diagrams:
TOH = Top of Head
Rom/Lom = Right of midline / Left of midline
TOS = Top of Shoulders From

#1 [Gunshot Wound of Head]

#1, #2 Arbitrarily numbered



Course:
- L parietal scalp, subcutaneous
- L parietal skull, Left parietal bone
- Left parietal brain, Interhemispheric brain, basal ganglia, midbrain, R cerebellum
- Rt petrous bone - base R. Dura matter

Louis A. Pena MD
3-7-2018 and 3-8-2018

City & County of
San Francisco

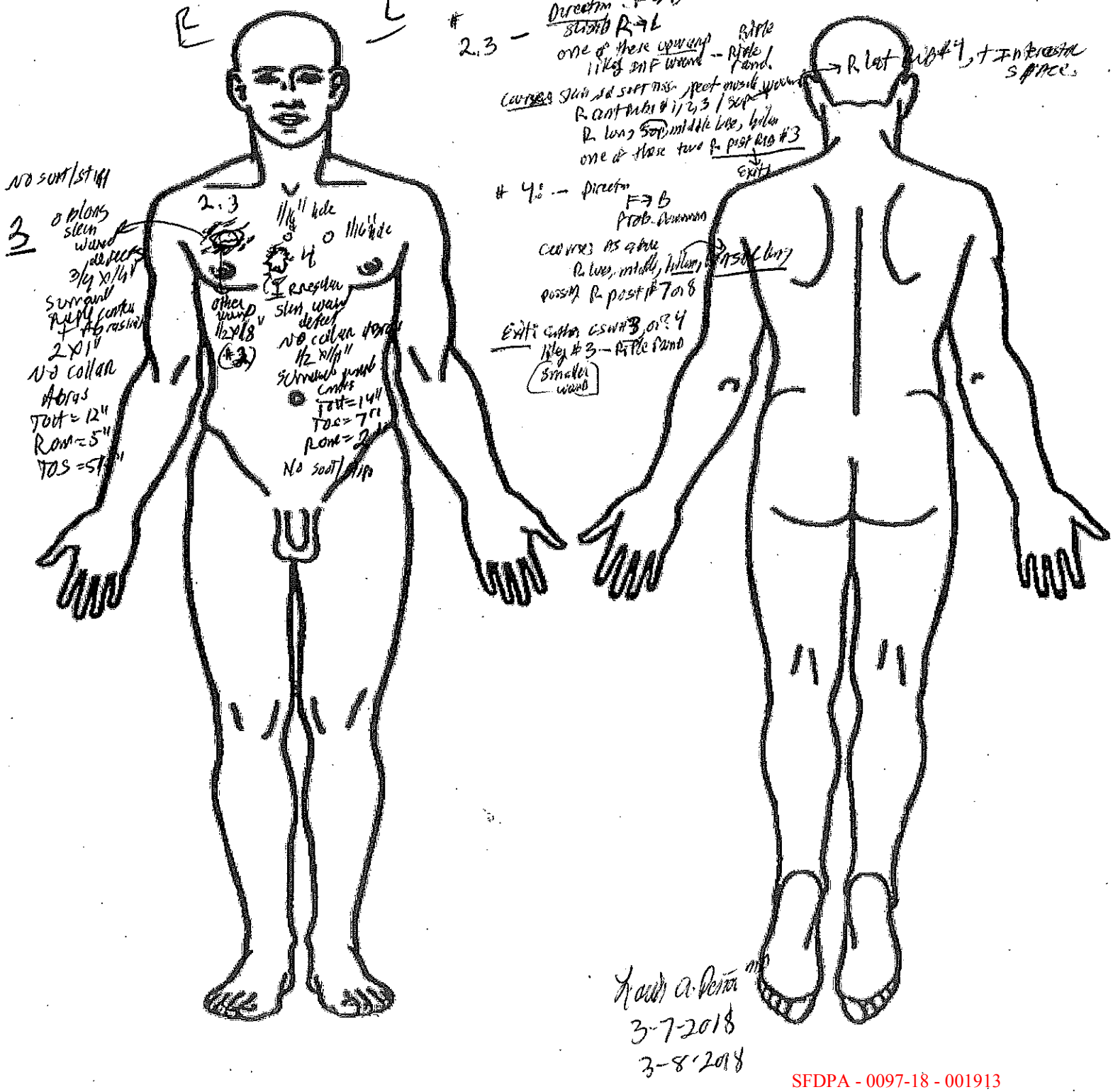
Office of the Chief
Medical Examiner

MEDICAL DIVISION

2018-0222
Affix Pre-printed Label Here
DOE #32, JOHN
3-7-2018

Gunshot wounds of chest
2, 3, 4.
ARBITRARILY NUMBERED

TOH = Top of Head
TOS = Top of shoulder
ROM = Right of the midline



Kandi A. Dean MD
3-7-2018
3-8-2018

SFDPA - 0097-18 - 001913

City & County of
San Francisco

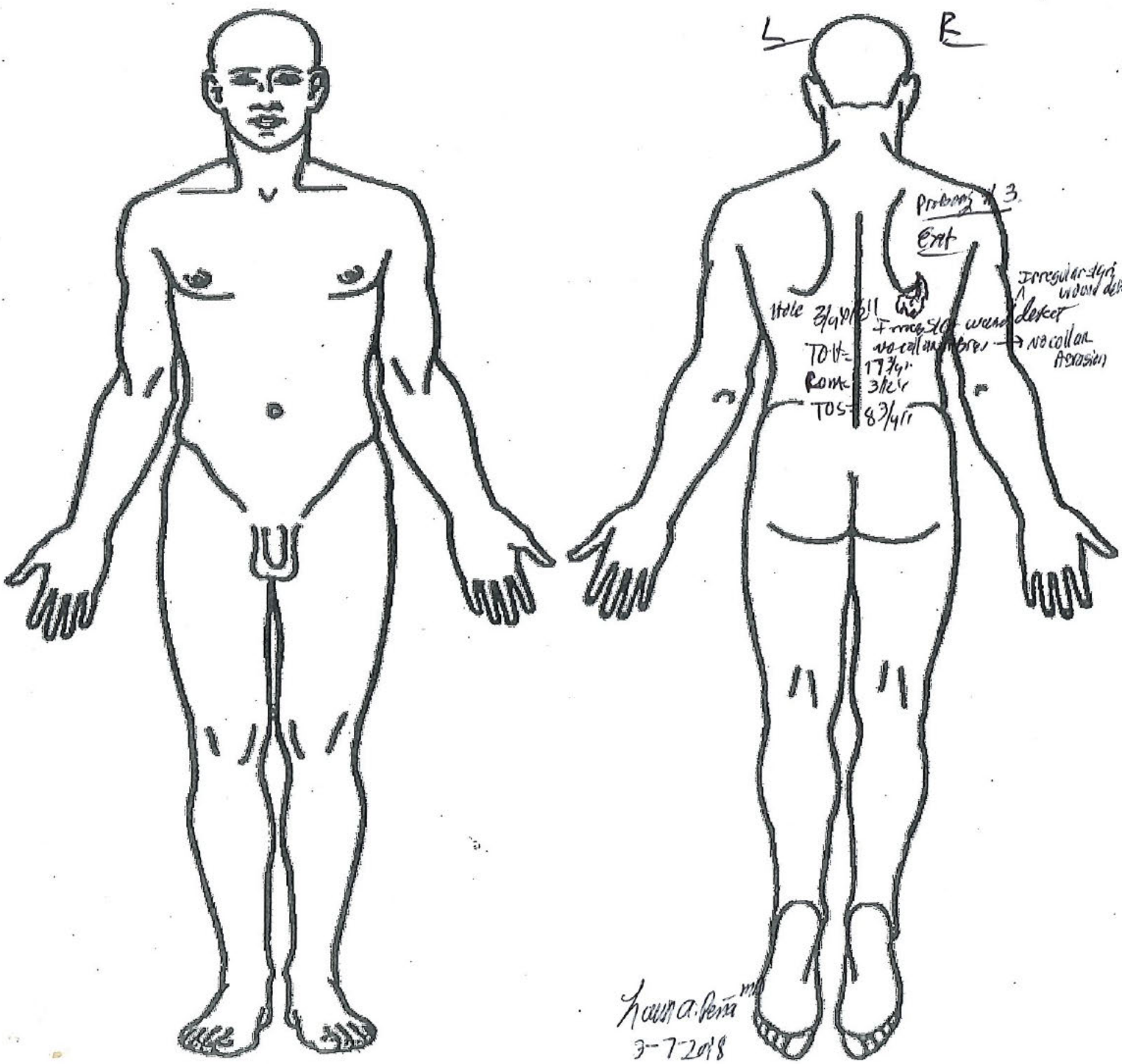
Office of the Chief
Medical Examiner

MEDICAL DIVISION

[redacted]
SFPD #: 180-175-220 SFOCME
Name: DOE #32, JOHN
MH AH EM HN LP Date: 3/7/2018

(Gunshot wound of back)
Exit gunshot wound
#3

TOH = Top of Head
TOS = Top of shoulder
ROM = Right of midline



Laura A. Peña MD
3-7-2018

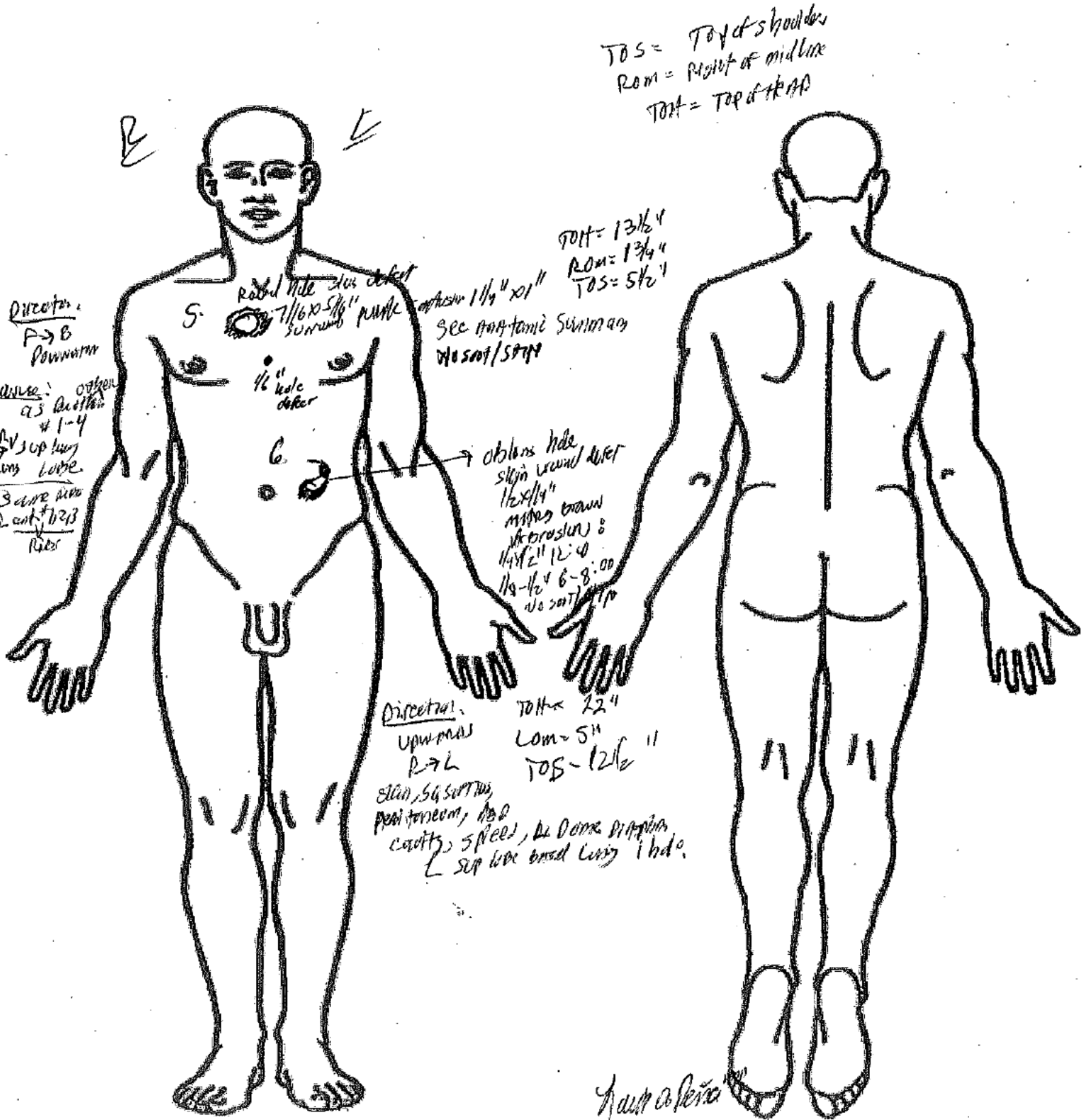
City & County of San Francisco

Office of the Chief Medical Examiner

MEDICAL DIVISION

[redacted]
Affix Pre-printed Label Here
DOE # 32, John
3-7-2018

[Gunshot wounds of chest, abdomen
#5, 6 anatomy number]



3-7-2018
3-8-2018

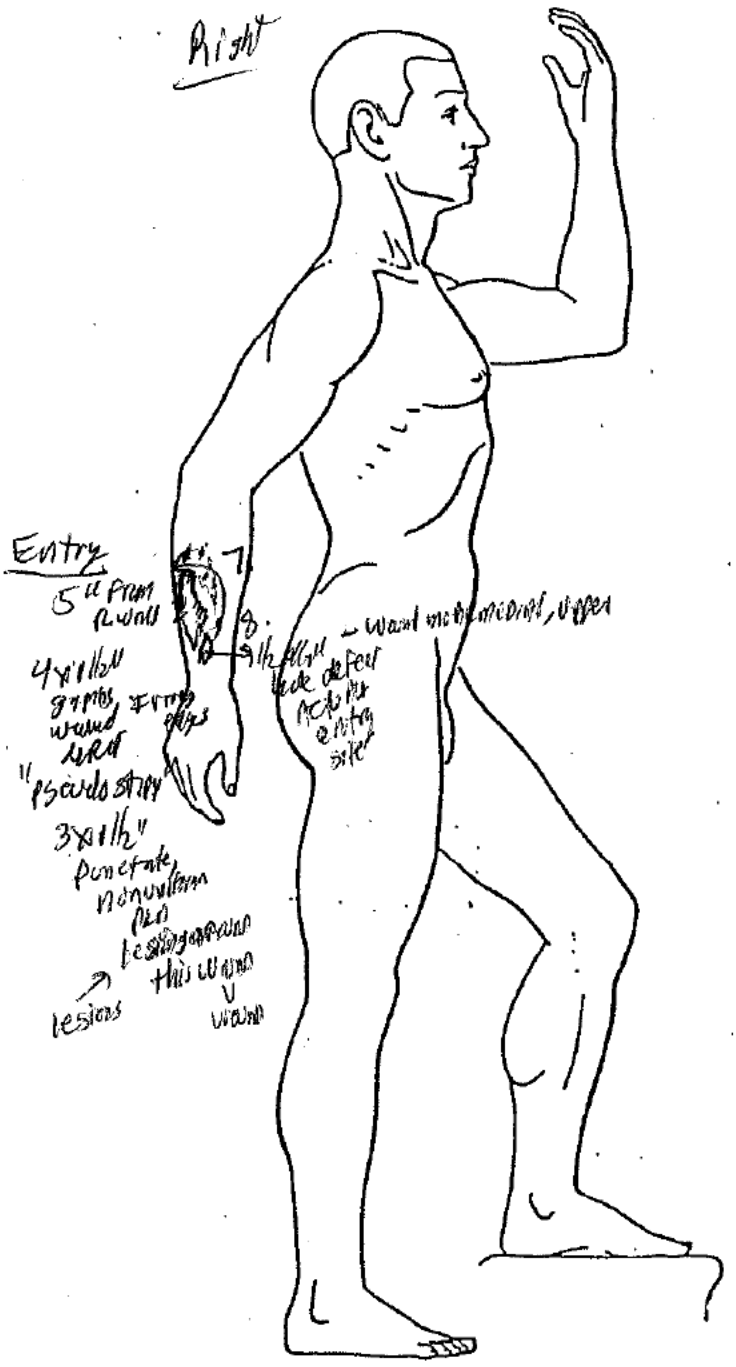
City and County of San Francisco **Chief Medical Examiner**

Case No.: [redacted] **Name:** Doe #32 John

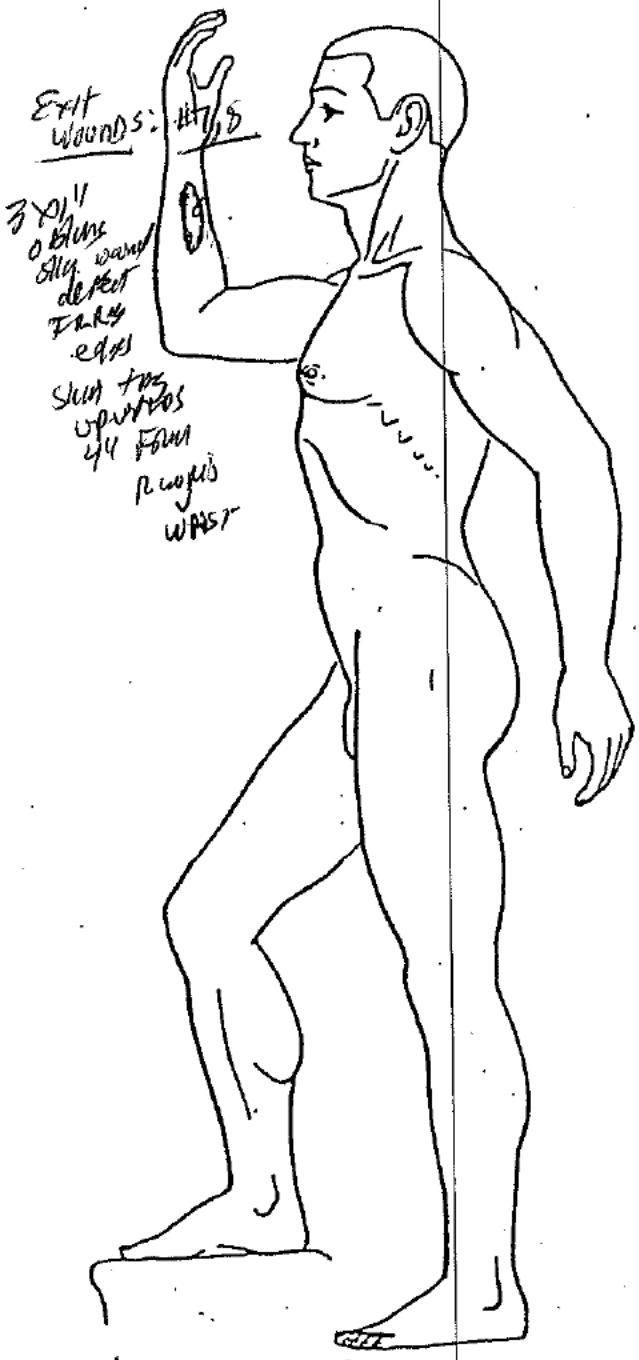
Autopsy Date: 3-7-2018 **Time:** 0910 **Medical Examiner:** Louis A. Peña

[Gunshot wounds #7, 8]
Potentially Life-threatening

Right



Right profile



Louis A. Peña MD
3-7-2018

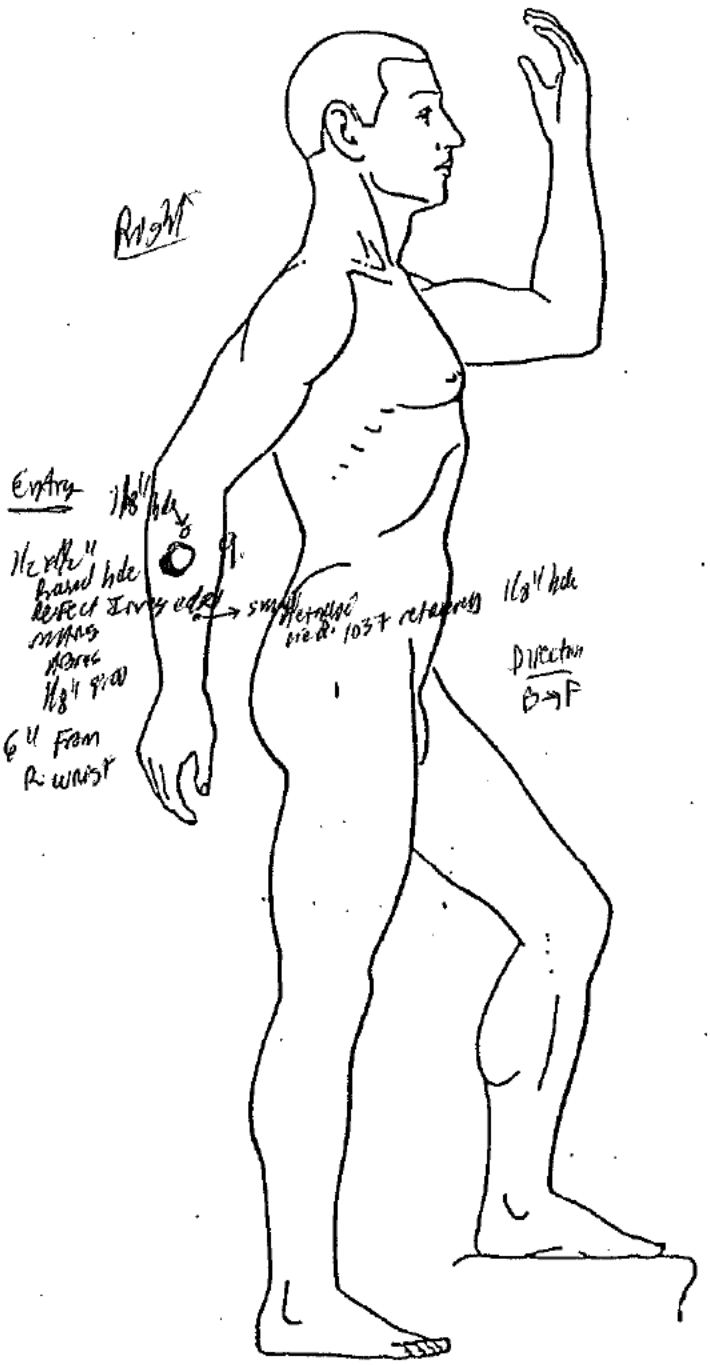
SFDPA - 0097-18 - 001916

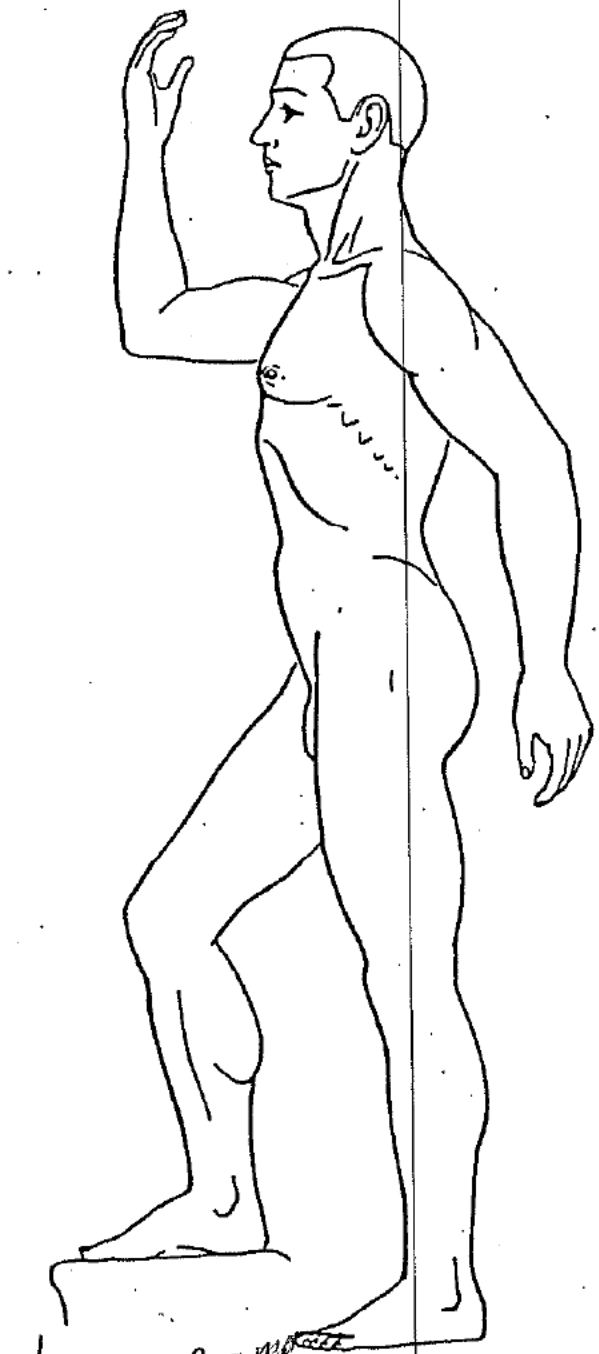
City and County of San Francisco **Chief Medical Examiner**

Case No.: [redacted] **Name:** Doe #32, John

Autopsy Date: 3-7-2018 **Time:** 0900 **Medical Examiner:** Louis A. Peña

(Gunshot wound of Right Arm)
#9





Louis A. Peña
3-7-2018

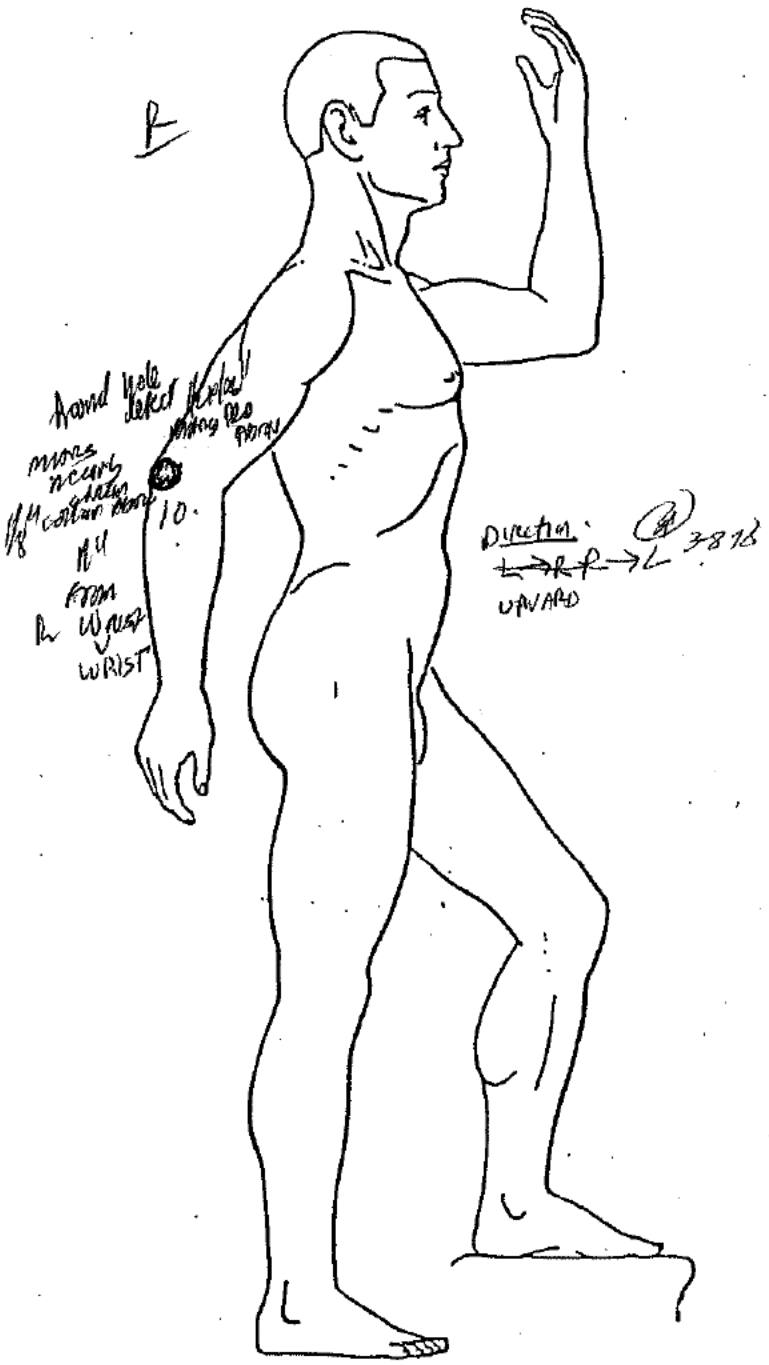
SFDPA - 0097-18 - 001917

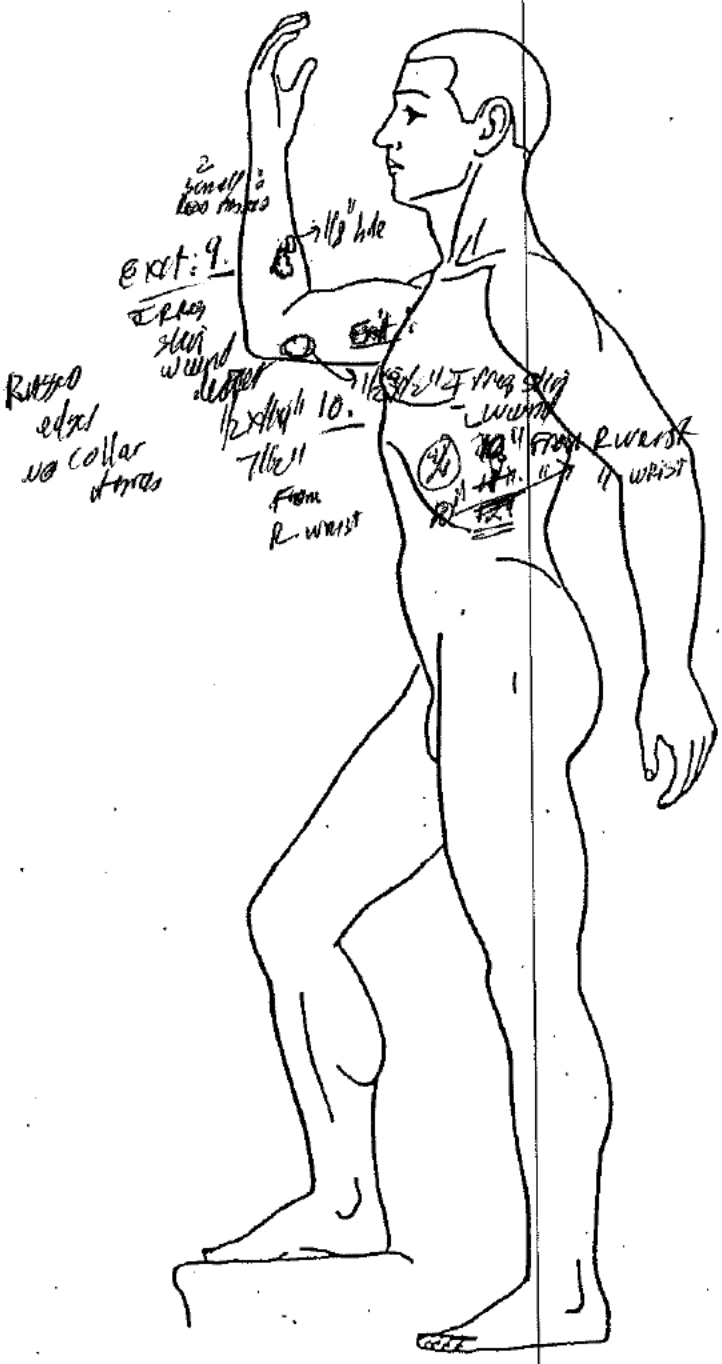
City and County of San Francisco **Chief Medical Examiner**

Case No.: [redacted] **Name:** Doe #32, John

Autopsy Date: 3-7-2018 **Time:** 0980 **Medical Examiner:** Louis A. Pena

(Gunshot wounds of upper, Right extremity
10 Entry - Exits - #9





Louis A. Pena MD 3-7-2018

SFDPA_007-18-001918

City and County of San Francisco

Chief Medical Examiner

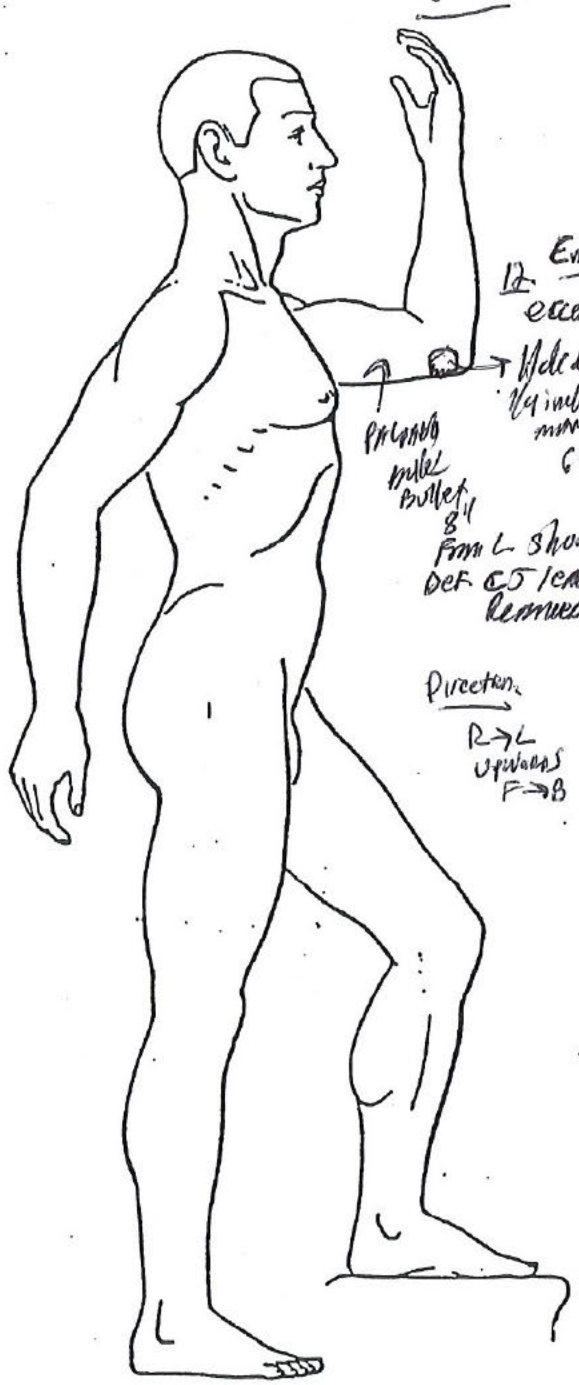
Case#: [redacted] SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M
MH AH EM HN LP Date: 3/7/2018

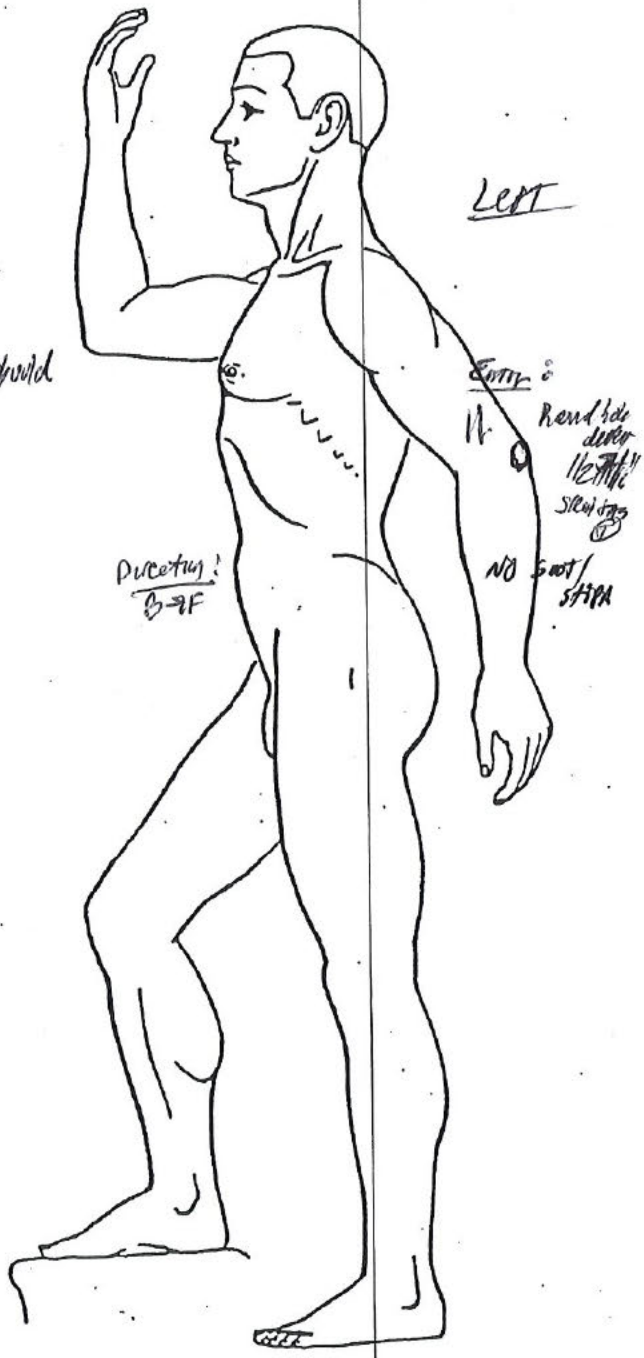
Case No.: [redacted]

Name: Later I. identified Delgado-Duarte Jesus

Autopsy Date: 3-7-18/3-8-18 Time: 0900 to 830 Medical E

(Gunshot wound of left arm]
Potentially LIFE-threatening
11, 12.





Juan A. Serra MD
3-7-2018

SFDPA - 0097-18 - 001919

City and County of San Francisco

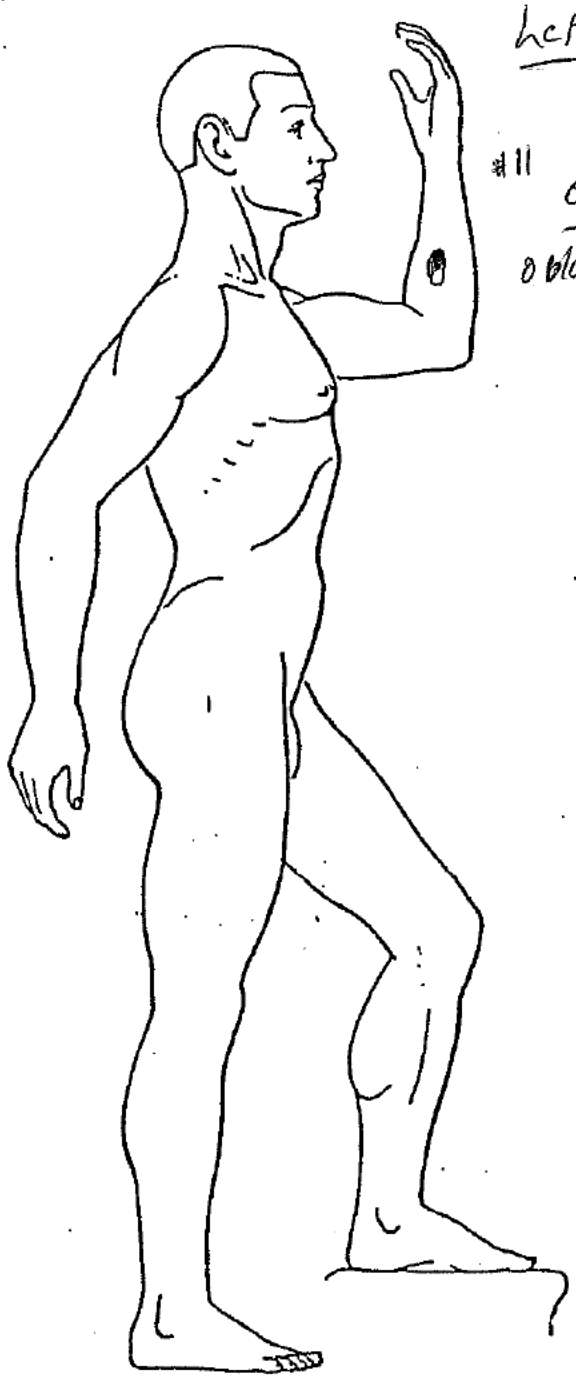
Chief Medical Examiner

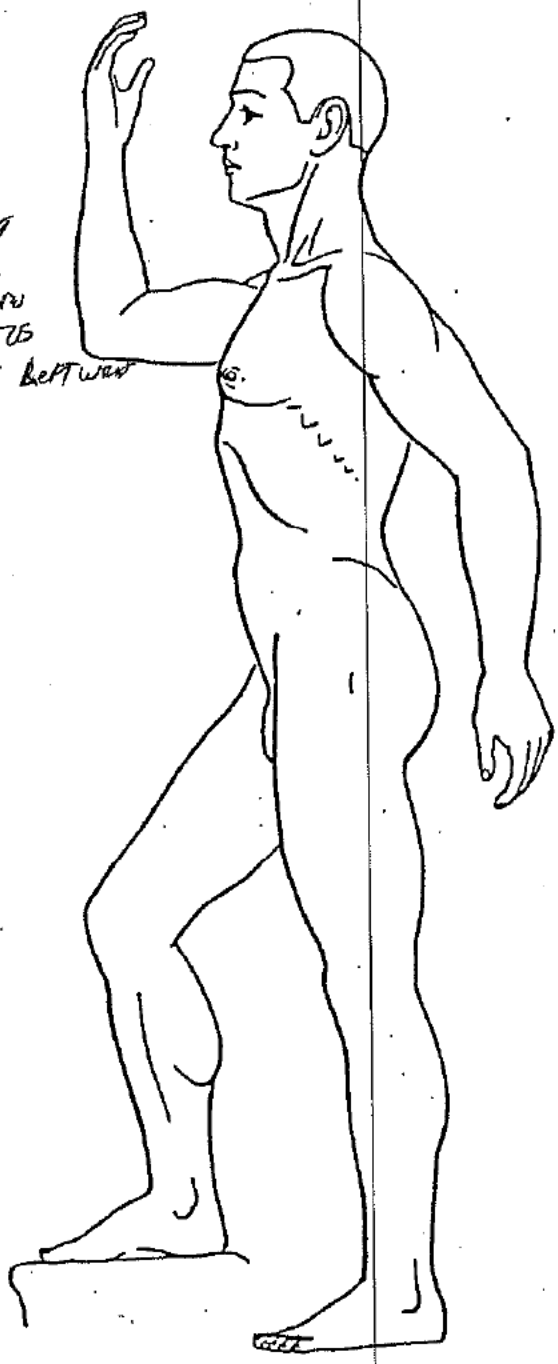
Case No.: [redacted]

Name: DOE #32 JOHN

Autopsy Date: 3-7-2018 Time: 0900 Medical Examiner: LOUIS A. PENA

(Gunshot wound of left arm)
Exit wound





[redacted] MD

3-7-2018

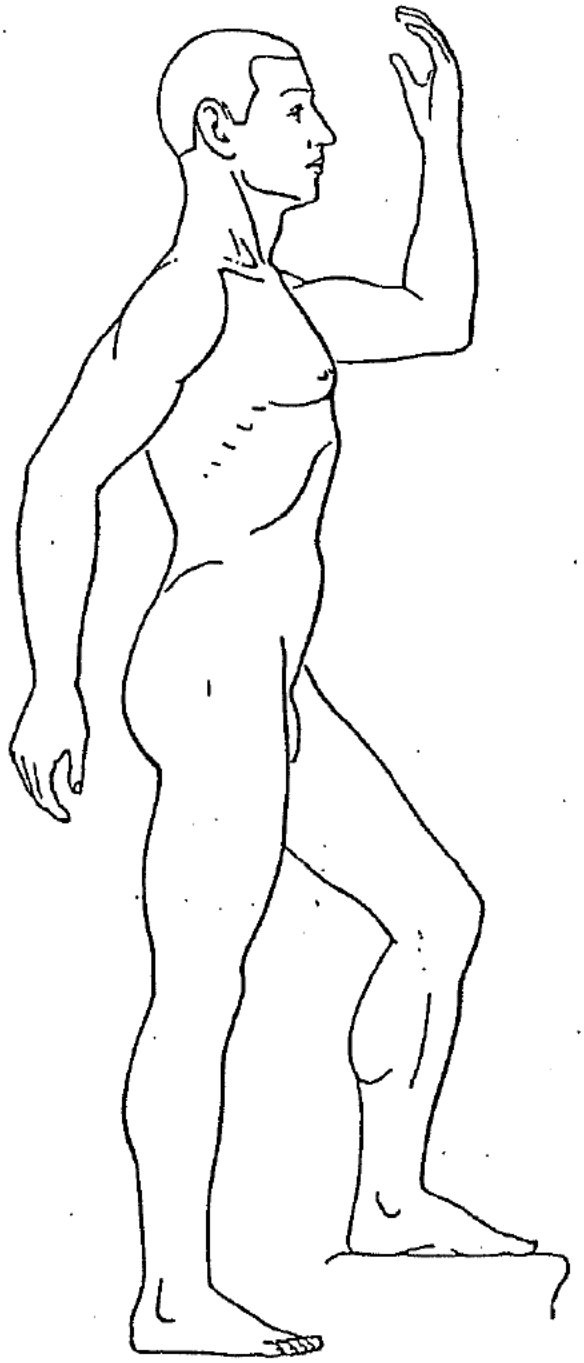
SFDPA - 0097-18 - 001920

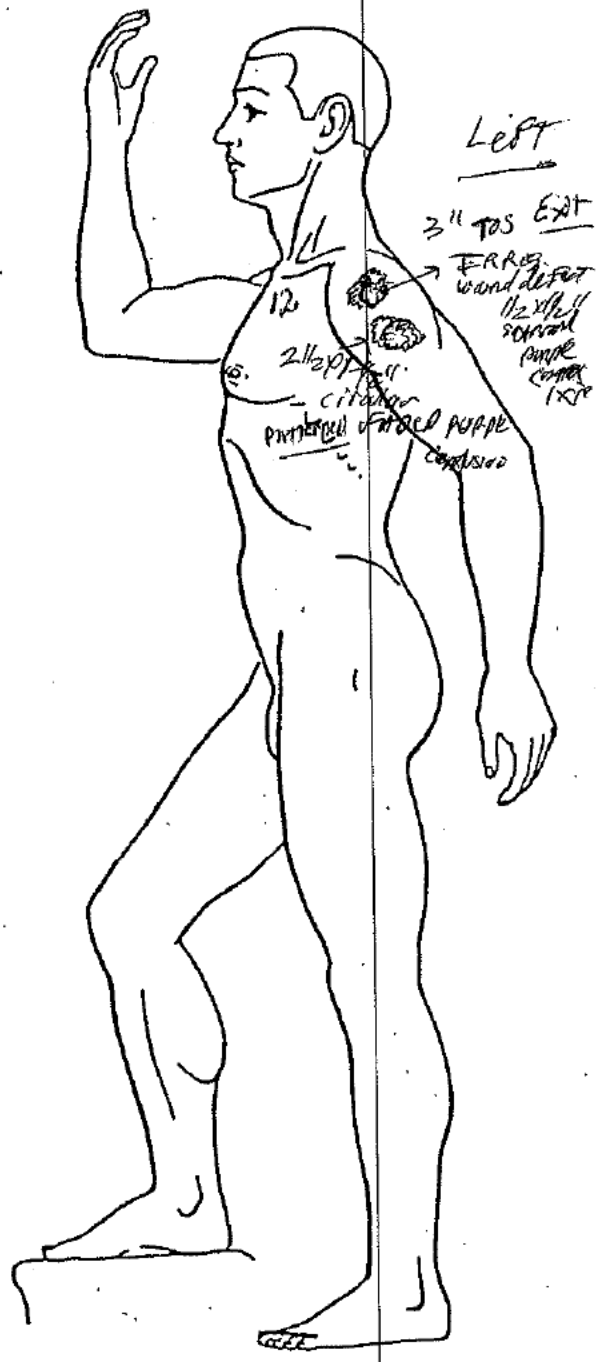
City and County of San Francisco **Chief Medical Examiner**

Case No.: [redacted] **Name:** DOE #32, John

Autopsy Date: 3-7-2018 **Time:** 0900 **Medical Examiner:** Louis A. Ferm

Gunshot wound of left arm/shoulder
+
Impalement





Louis A. Ferm MD
3-7-2018

SFDPA - 0097-18 - 001921

City & County of
San Francisco

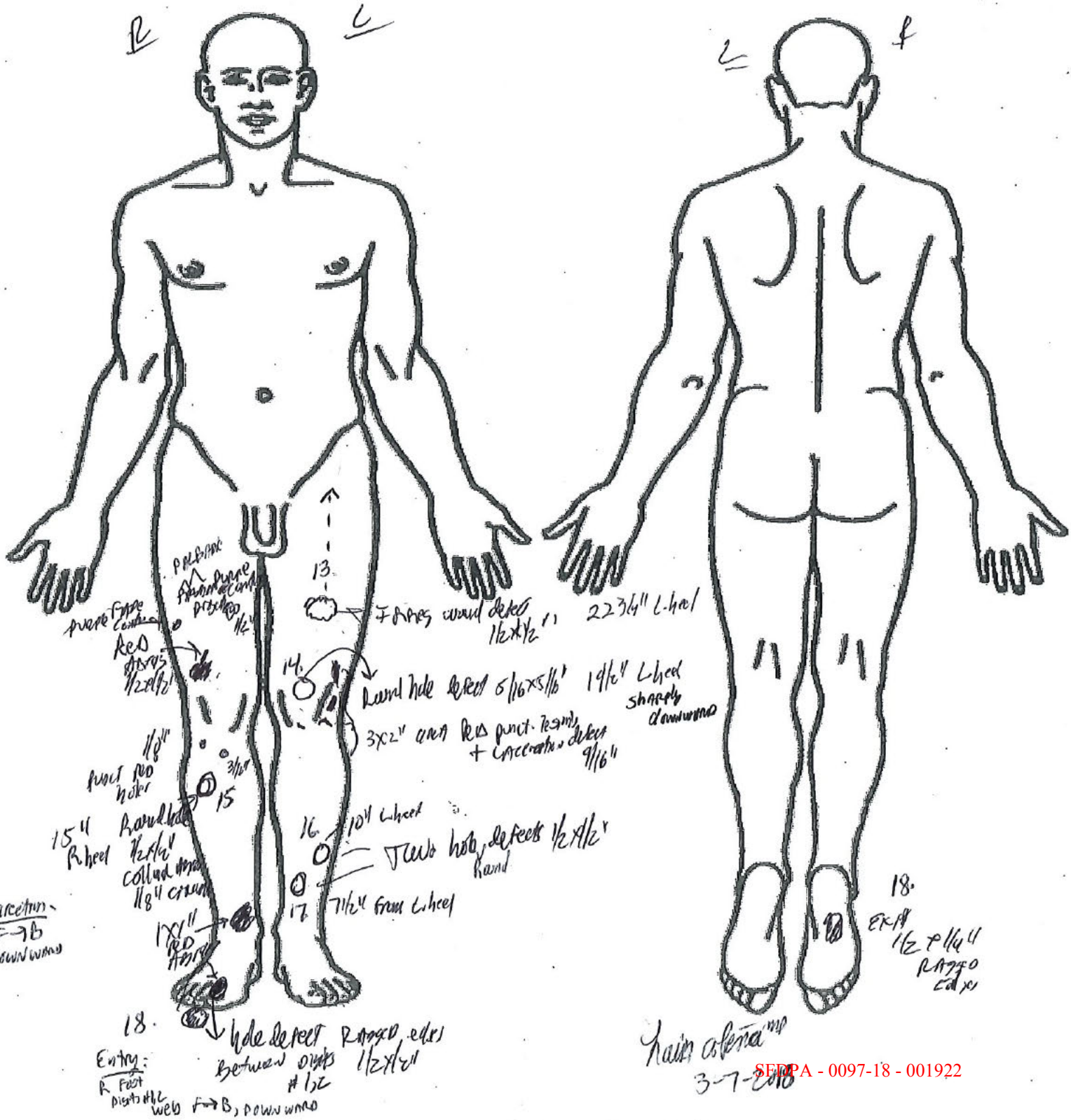
Office of the Chief
Medical Examiner

MEDICAL DIVISION

Case#: [redacted] SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M
MH AH EM HN LP Date: 3/7/2018

Gunshot wounds of lower extremities
13, 14, 15, 16, 17, 18

#16, 17 – Potentially life threaten wounds


R
L
L
R
13.
14.
15
16.
17
18.
18.
Direction: F→B Downward
Entry: R foot
Rt heel
Lt heel
Rt heel
Lt heel
Lt heel
Rt heel
Lt heel
Rt heel
Lt heel
R

City and County of San Francisco

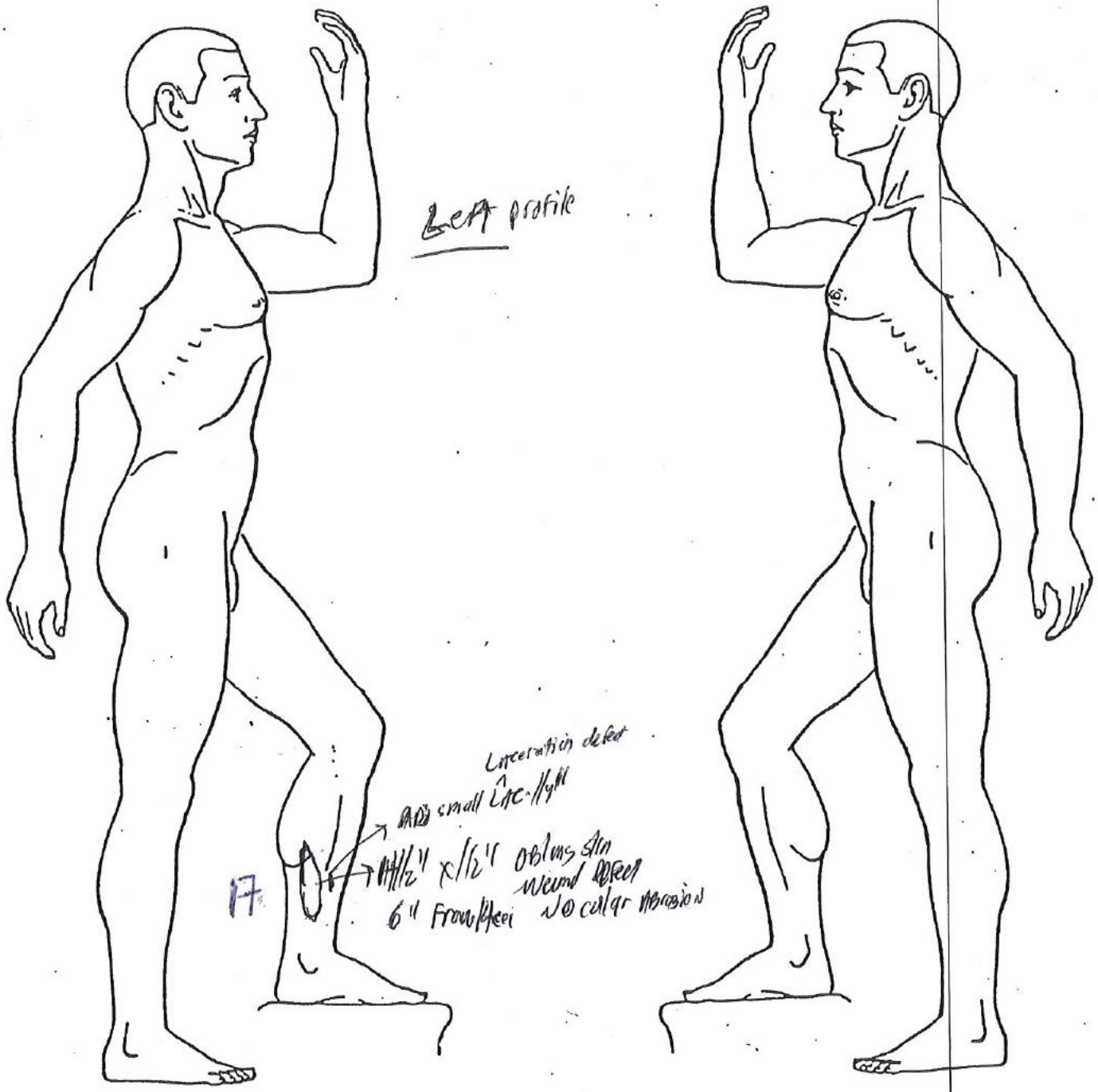
[redacted]

SFPD #: 180-175-220 SFOCME
Name: DOE #32, JOHN
MH AH EM HN LP Date: 3/7/2018

Case No.: 2018-0222 Name:

Autopsy Date: 3-8-18 Time: 0900 Medical Examiner:

[Gunshot wound of left lower leg]
Ex.# 17



Laura A. Fena M.D.
3-12-18

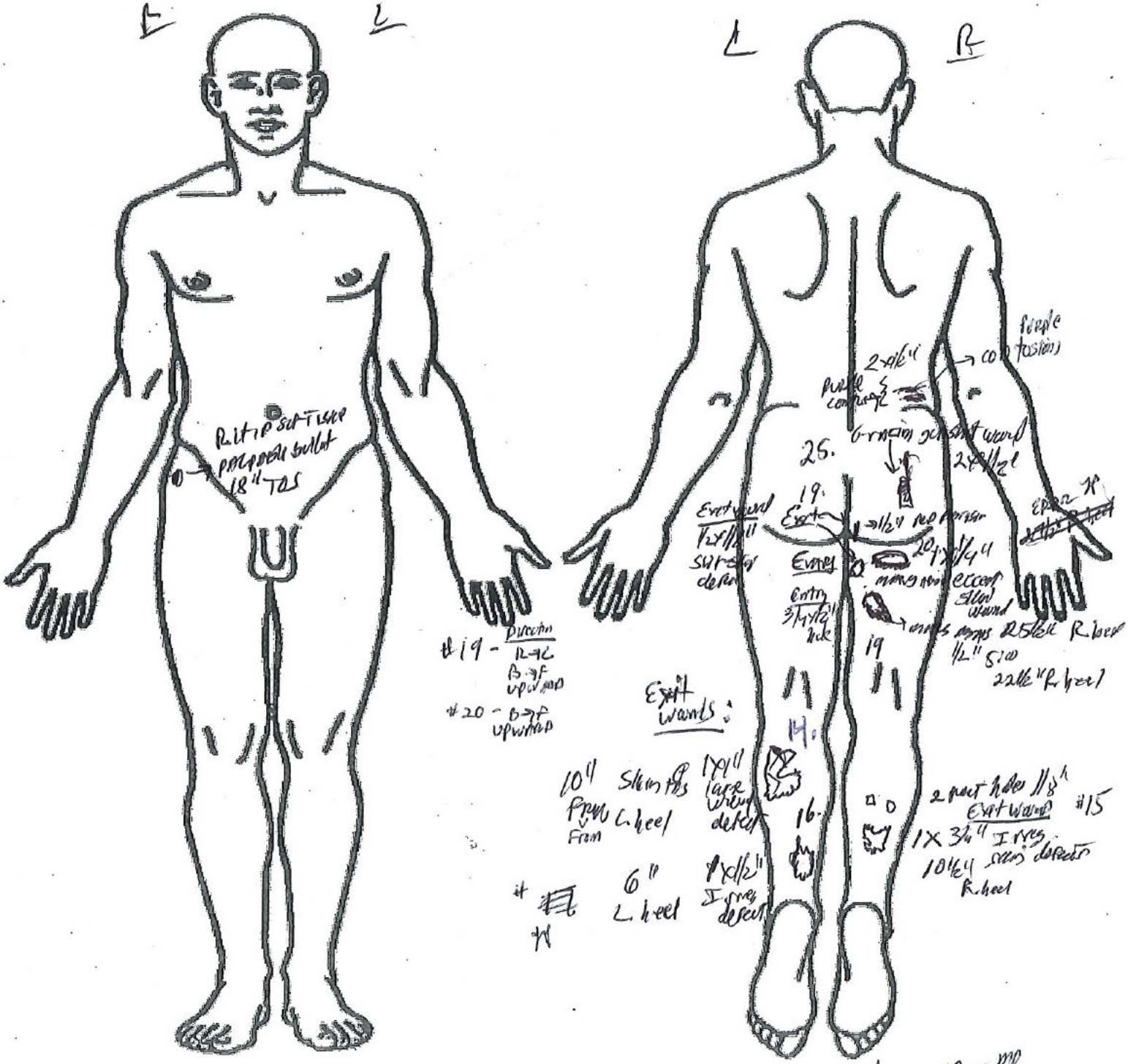
City & County of
San Francisco

Office of the Chief
Medical Examiner

MEDICAL DIVISION

[redacted]
SFPD #: 180-175-220 SFOCME
Name: DOE #32, JOHN
MH AH EM HN LP Date: 3/7/2018

[GRAZING gunshot wound of buttock, lower extremity gunshot wounds]
#19, 20, 25 – non fatal wounds



Shawn A. Rosa MD
5-7-2018

SFDPA - 0097-18 - 001824

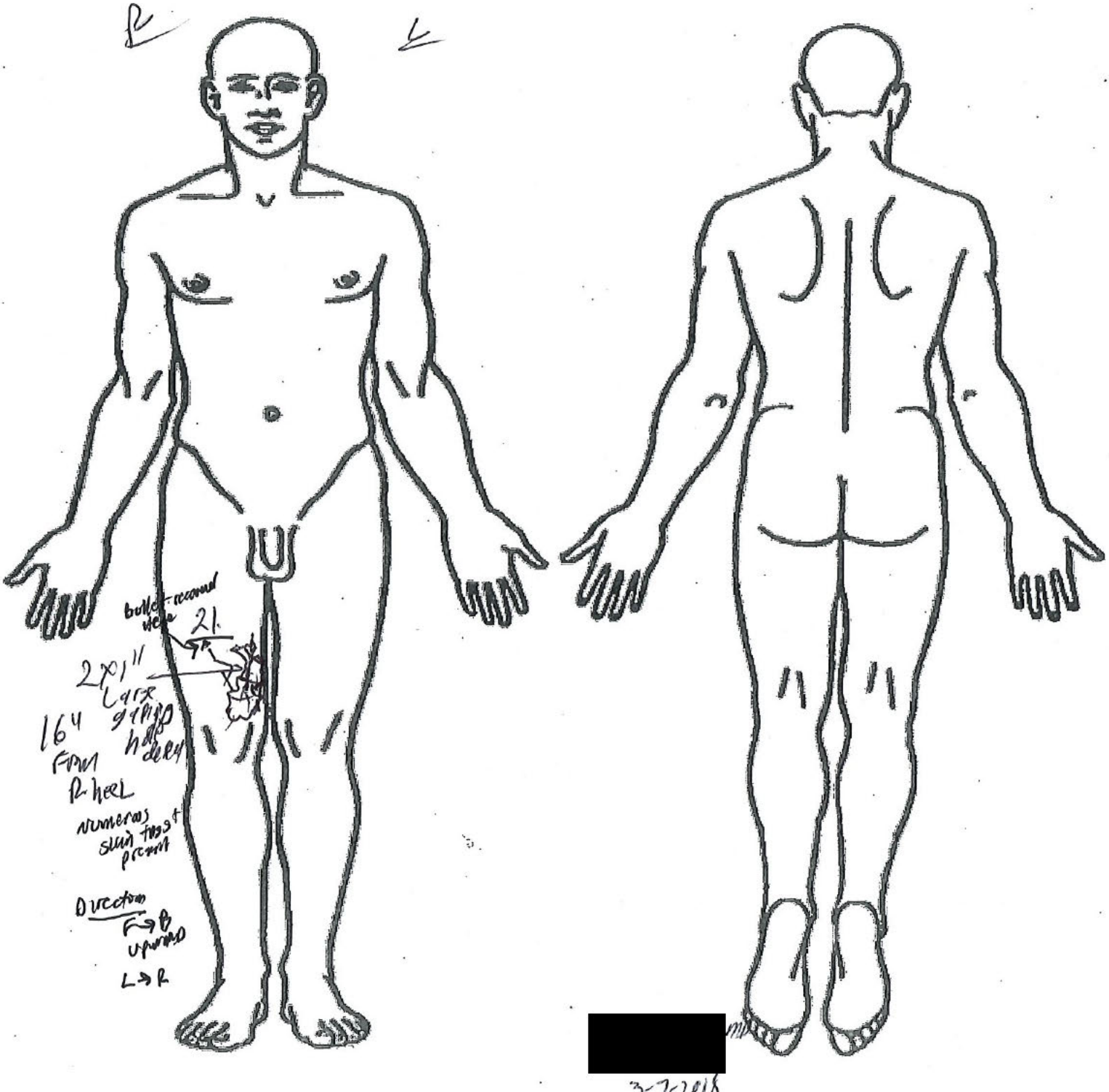
City & County of
San Francisco

Office of the Chief
Medical Examiner

MEDICAL DIVISION

Case#: [redacted] SFOCME
Name: DOE #32, JOHN
Age: UNK Sex: M
MH AH EM HN LP Date: 3/7/2018

[Gunshot wound of Right Upper Leg]
#21



[redacted]
3-7-2018

City & County of
San Francisco

Office of the Chief
Medical Examiner

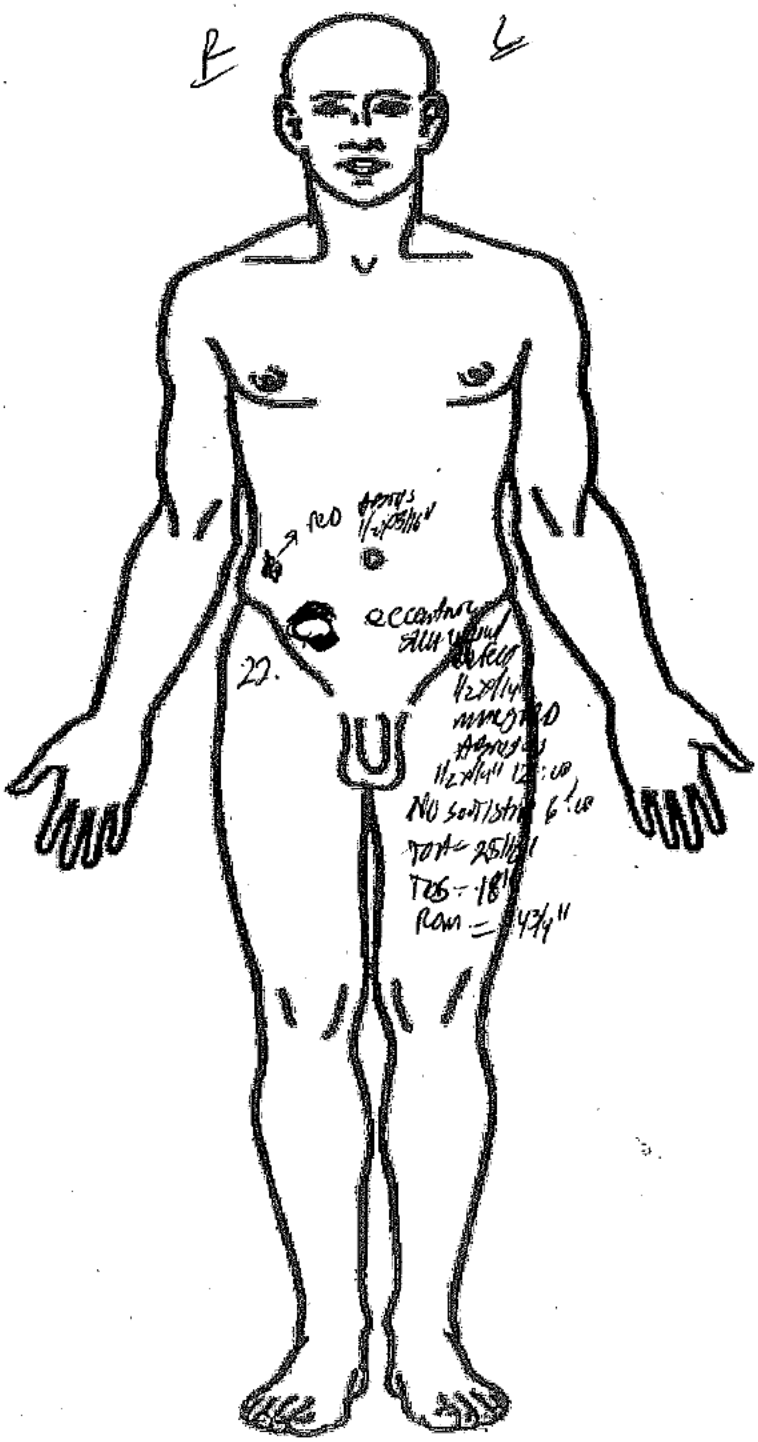
MEDICAL DIVISION

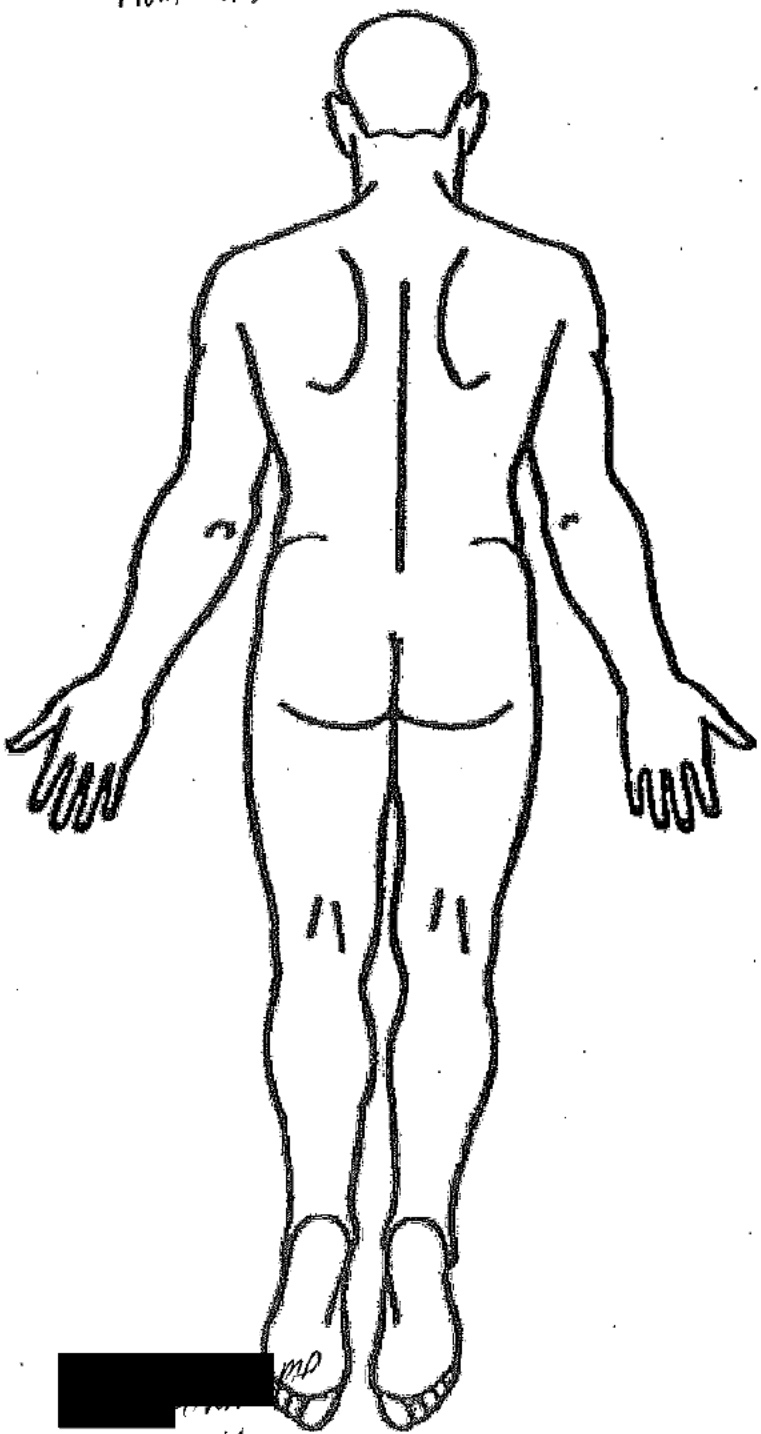
[redacted]
Affix Pre-printed Label Here

DOE #32, John
3-7-2018

[Gunshot wound of Abdomen]

TOS = Top of Shoulder
TOH = Top of Head
Rom = Right of the midline





[redacted] MD
3-7-2018

City and County of San Francisco **Chief Medical Examiner**

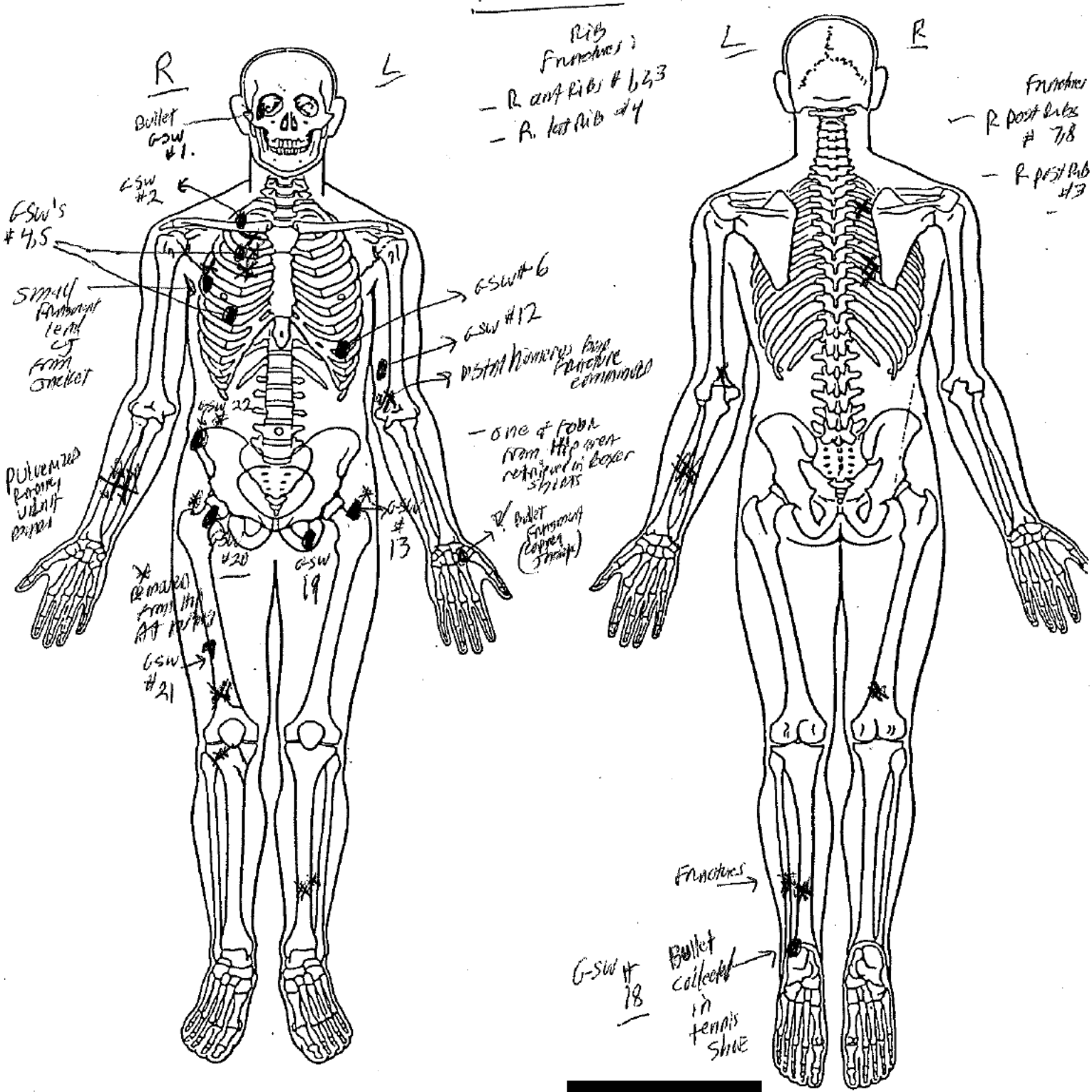
Case No.: [redacted] **Name:** DOE # 32 JOHN

Autopsy Date: 3-07-2018 **Time:** 0901 **Medical Examiner:** Louis A. Pena

Gunshot wounds = GSW ARBITRARILY numbered

Bullets as seen on X-RAYS = '

X = Fractures



[redacted]

3-7-2018

SFDPA - 0097-18 - 001927

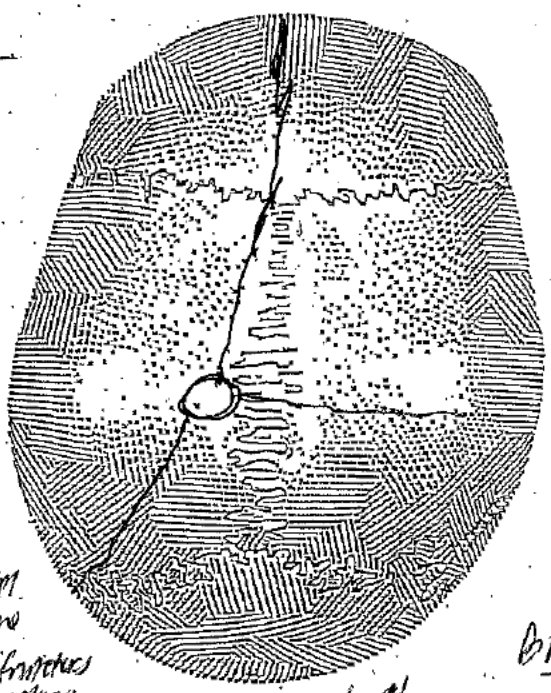
City and County of San Francisco — Chief Medical Examiner

Case No.: [redacted] Name: Delgado-Duarte, Jesus

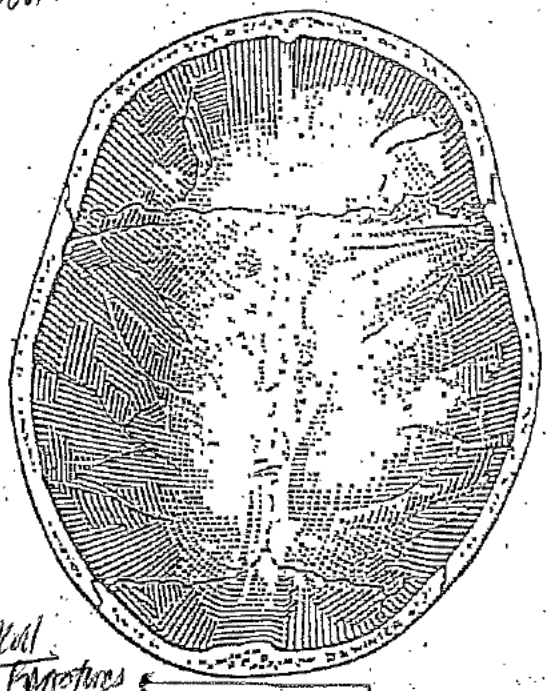
Autopsy Date: 3-08-2018 Time: 0830 Medical Examiner: Lalli Affan

(Outer Table Skull fracture) Not shown on R. Parietal subgaleal Hem.

L



R



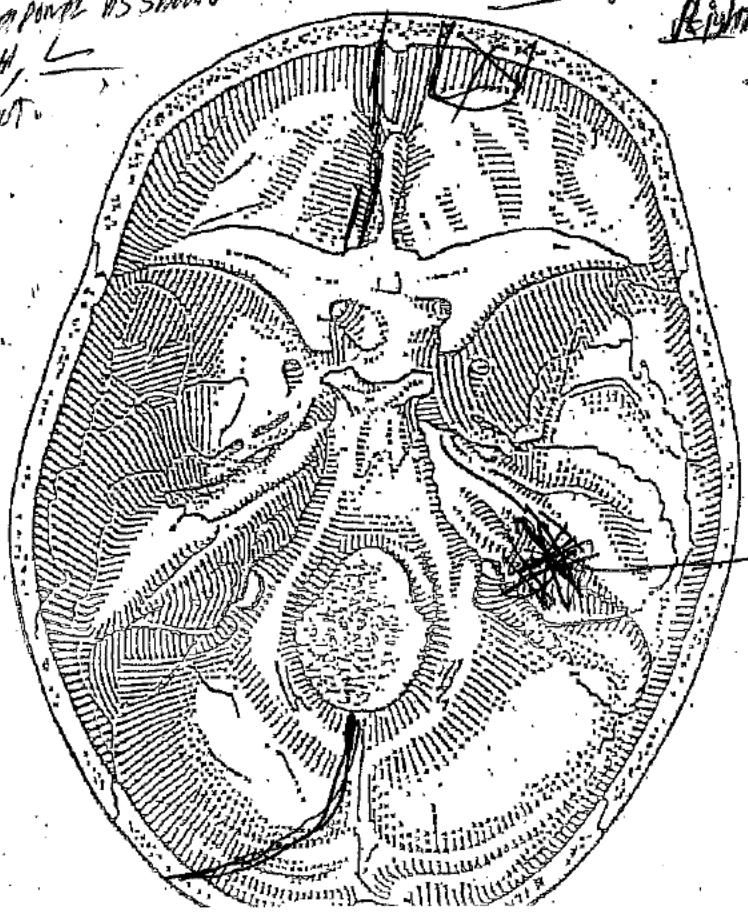
1.5cm diameter hole defect L. parietal bone

Linear fractures non displaced Frontal, parietal, temporal, occipital bones L

Basal skull fractures

Right

- frontal bone
- L frontal crest
- L cribriform plate ethmoid bone
- L. orbital part frontal bone
- occipital bone
- R petrous bone



Bullet received here

[redacted]

3-08-2018

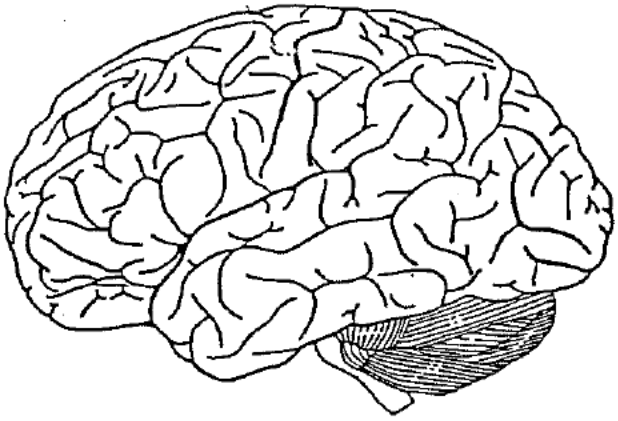
SFDPA - 0097-18-001928

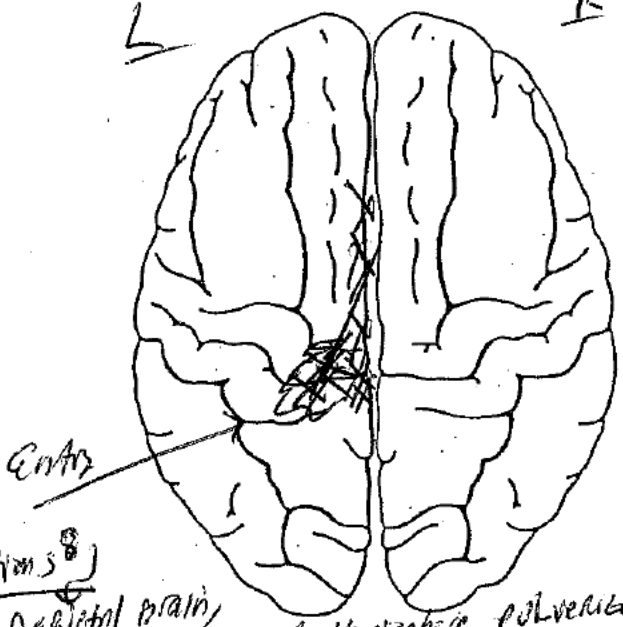
City and County of San Francisco — Chief Medical Examiner

Case No.: [redacted] Name: DELAgado-Duarte, Jesus

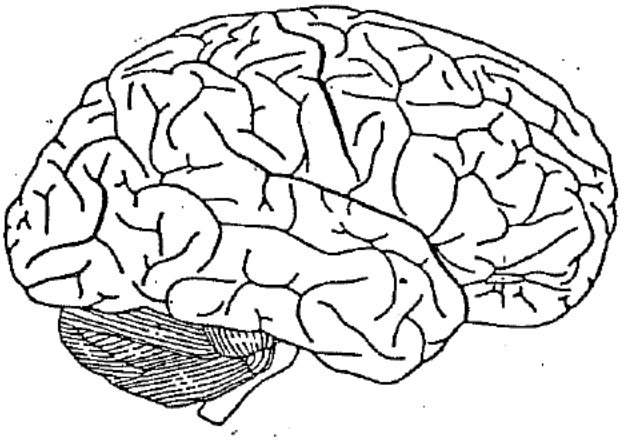
Autopsy Date: 03-08-2018 Time: 0830 Medical Examiner: Lars Aftan

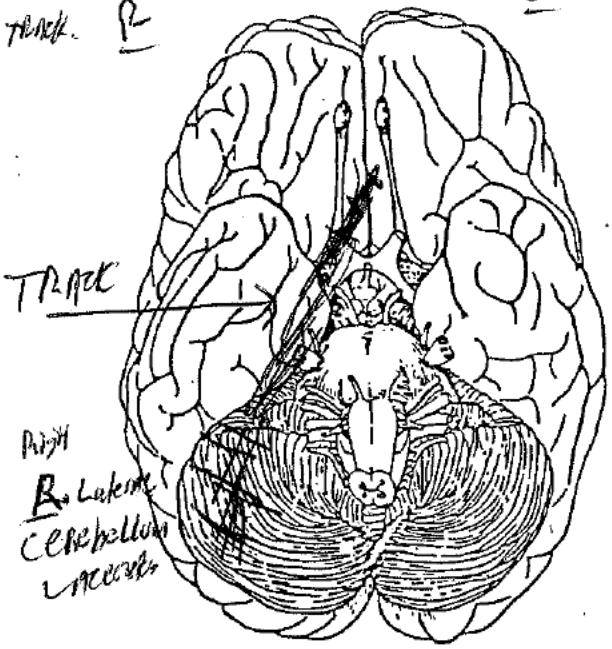
(Cerebral Lacerations)
X = denotes Laceration
mild Diff SAH NOT shown
Assoc. Frontal, Parietal Subcut, Subgaleal Hemi





Lacerations
L. Parietal brain, mid line brain, Differt Hemisphere Pulverized
Corpus Callosum, Thalamus, Putamen, Int. capsule
Assoc. Hem. Trunk. R
mid brain R. & Rt cerebellum L





[redacted] MD
03-08-2018

SFDPA - 0097-18 - 001929

SRE
SECRETARÍA DE
RELACIONES EXTERIORES

Ministry of Foreign Affairs of Mexico
Consulate General of Mexico in San Francisco
Protection and Legal Affairs

San Francisco, California, March 8, 2018.
SFR-0813

Paul Henderson,
Interim Executive Director,
San Francisco Department of Police Accountability,
25 Van Ness Ave., Suite 700,
San Francisco, CA 94102.

I make reference to the event happened in this city last March 6, 2018, involving Mr. Jesús Adolfo Delgado Duarte, a Mexican national who was killed in an incident with officers of the San Francisco Police Department.

According with a press release of the San Francisco Police Department dated on March 7, 2018, your office is leading an independent investigation about this situation. Pursuant to paragraphs (a) and (e) of Article 5 of the Vienna Convention on Consular Relations, and taking into consideration that a Mexican national died in this incident, this Consulate respectfully requests your collaboration to know the facts related to this matter.

Furthermore, with the aim of providing accurate information regarding the role of your office in this case, I respectfully request to hold a meeting with the parents of Jesus Adolfo Delgado Duarte and representatives of this Consulate General at your earliest convenience. I will appreciate to know your availability for this to happen.

Please feel free to contact our Consul for Protection and Legal Affairs, Wilma Gandoy, to the phone number 415-354-1727 or email address lgandoy@sre.gob.mx to follow up with this situation.

Thank you in advance for your collaboration.

Sincerely,

[redacted]

Gemi José González López
Consul General of México

SGRCW/WGV/vvst

PA
A
USKAW
SNEK
one
C. CARROLL
SAN FRANCISCO
987
POLICE
AXON






ISHIDA
SAN FRANCISCO
2035
POLICE
AXON






POLICE LINE DO NOT CROSS
MOTOROLA
AXON




Tuesday
Mar 6
10:59

POLICE LINE DO NOT CROSS
AWD
AXON

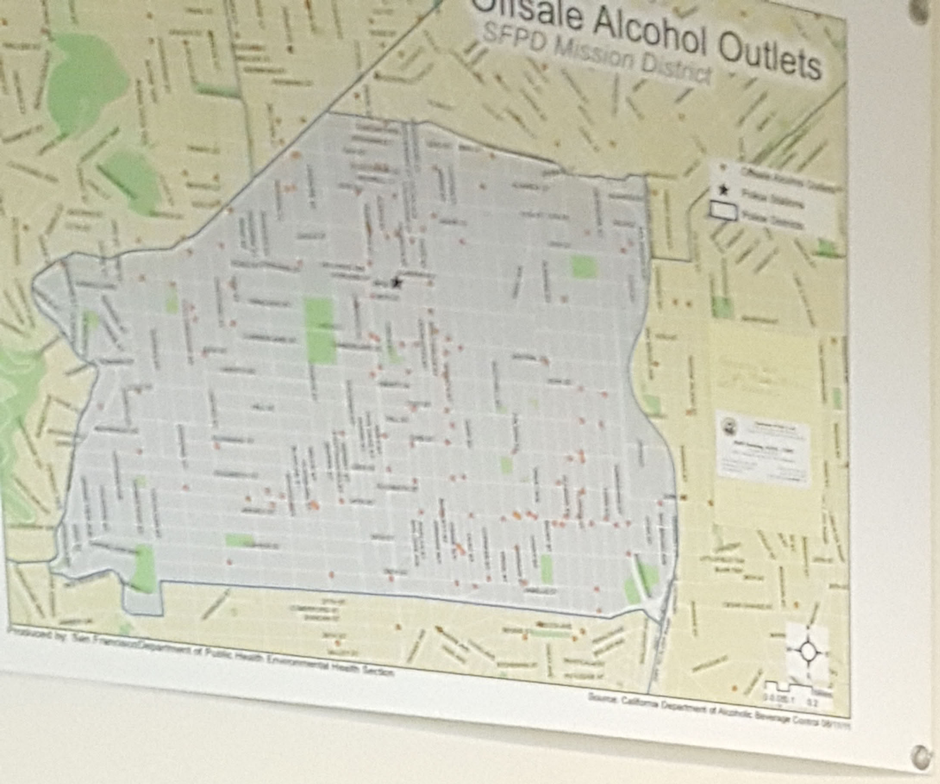

AXON


AXON

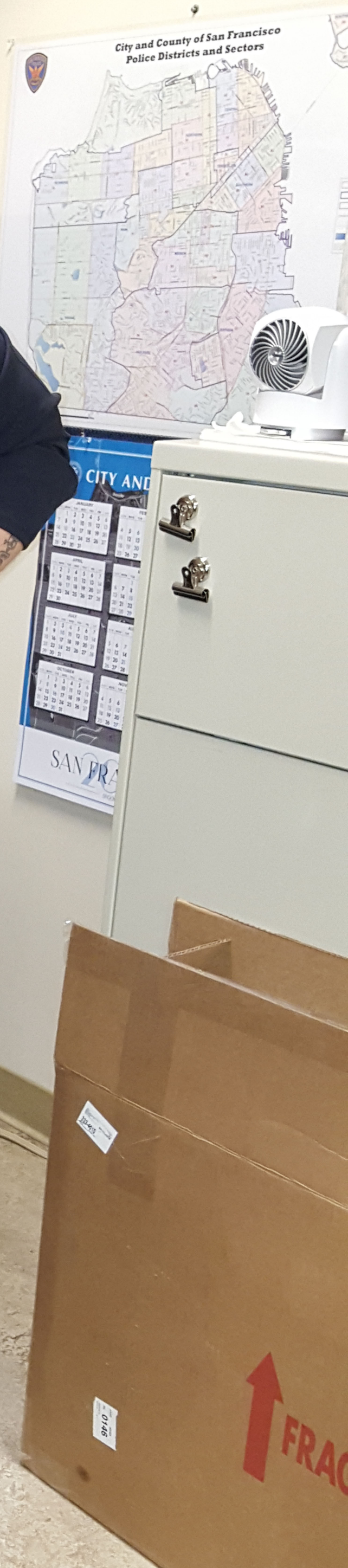


SFDPA - 0097-18 - 001943




Offsale Alcohol Outlets
SFPD Mission District




City and County of San Francisco
Police Districts and Sectors


City and County of San Francisco
Police Districts and Sectors
FRAGILE


J NISILO
SAN FRANCISCO
1469
POLICE
AXON

ISHIDA
SAN FRANCISCO
2035
POLICE


MAXPEDITION


SAN FRANCISCO
987
POLICE
AXON
SFPOA BASKETBALL LEAGUE • 2016-2017
CHAMPIONS


BASKETBALL LEAGUE • 2016-2017
CHAMPIONS


MOTOROLA
CASSNELL
SAN FRANCISCO
1104
POLICE
AXON
SURE FIRE GRILLS!
The Kingsford® Difference
DIRECTIONS · INSTRUCCIONES
KINGSFORD





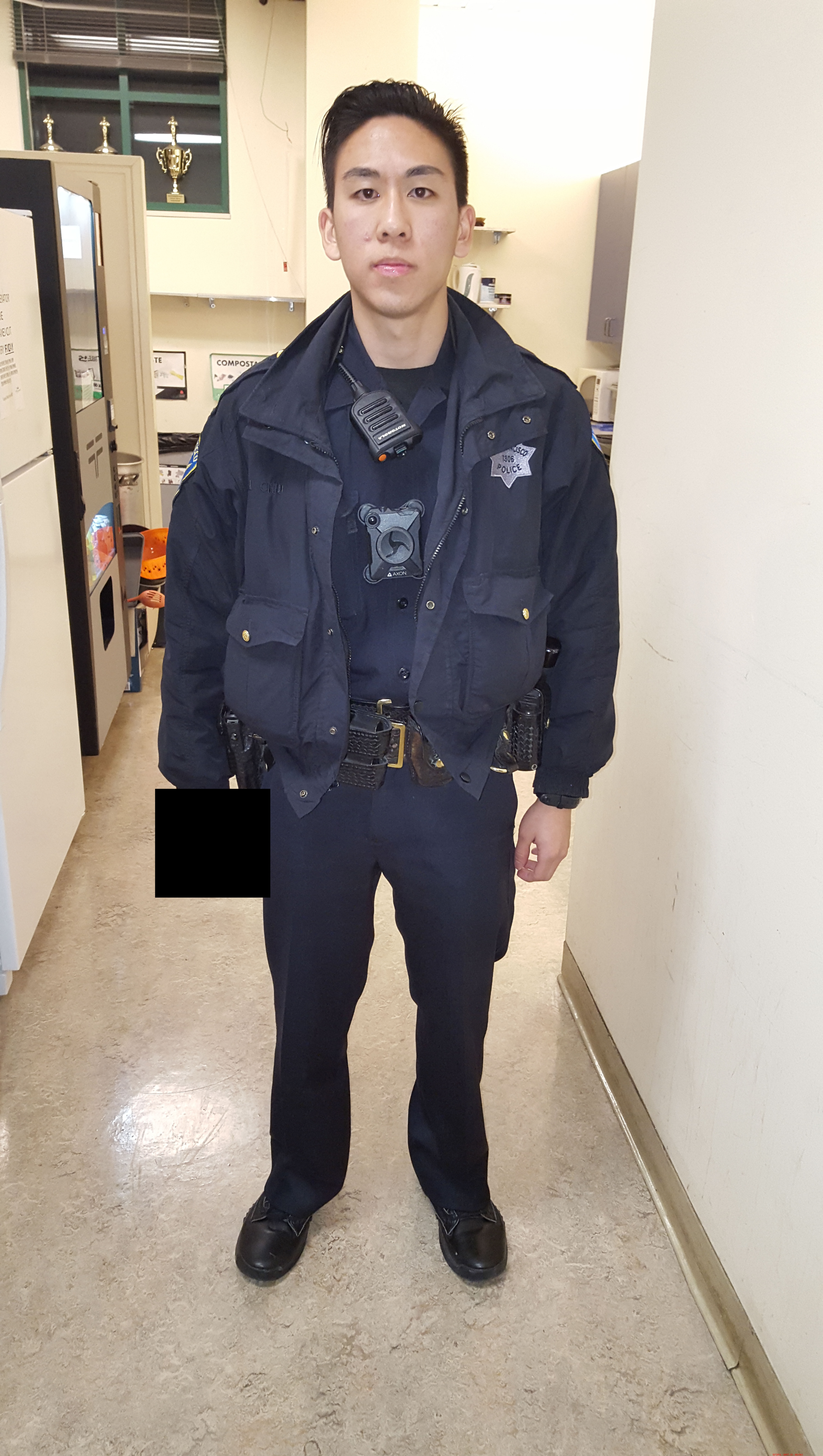
SFDPA - 0097-18 - 001955


PEPSI-COLA


B. SANTANA
AXON
2097
POLICE

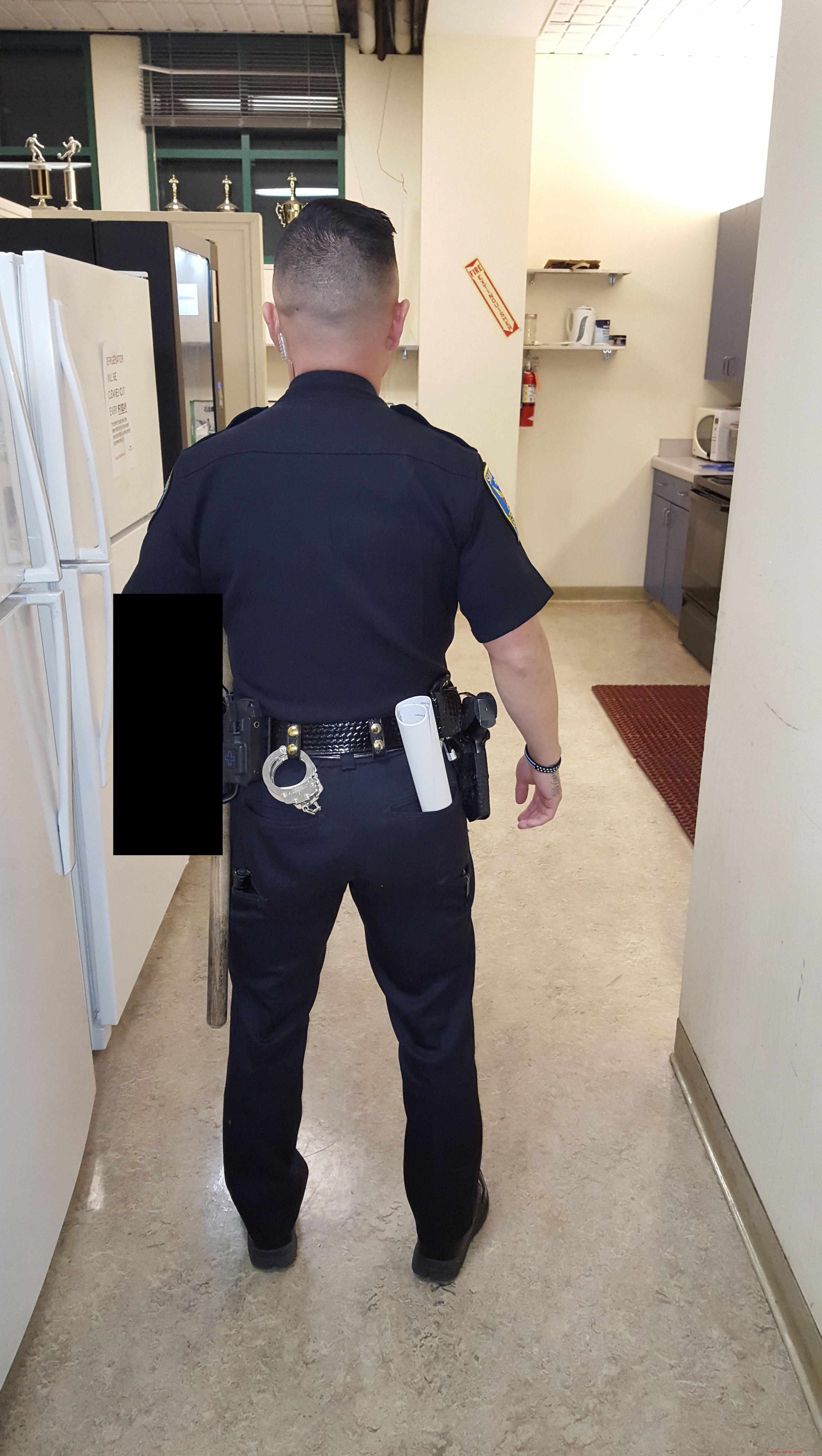

TUPPER
COMPOSTABLES
PAPER TOWELS
AXON


COMPOSTABLES


COMPOSTA
MOTOROLA
POLICE
AXON




FIRE
N. NAGAI
SAN FRANCISCO
2017
POLICE
AXON


FIRE
REFRIGERATOR
WILL BE
CLEANED OUT
EVERY FRIDAY

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]	Date: 03/06/2018	Time: 22:36	Day of Wk: Tuesday
SFPD CAD#: [redacted]	Type of Incident: Robbery (211)		
On View ☑ Dispatch ☐	Critical Incident/Special Event:		
Location of Occurrence: Capp St/21st St	District of Occurrence: Mission		

Use of Force Time Line (Use 24 Hour Format)

Supervisory Officer Rank, Name & Star No.: Sergeant, Barcena, Oscar #1715	Broadcast Time of Use of Force: 22:42
	Supervisor On Scene Time: 22:42
	Officer Initial Contact Time: 22:36
Did Supervisor Respond to Scene: Y ☑ N ☐ If No, why?	

Subject #1

Subject Name: Doe, John				DOB: unknown
Race (Choose only one): Asian ☐ Black ☐ White ☐ Hispanic ☑ Native American ☐ Unknown ☐				
Sex: M ☑ F ☐	LEP: Y ☐ N ☑	Language:	Height: 5'09"	Weight: 180
Complaint of Pain: Y ☑ N ☐	Injured: Y ☑ N ☐	Serious Bodily Injury*: Y ☑ N ☐		Death: Y ☑ N ☐
Photo Taken of Injury: Y ☑ N ☐		Injuries Description: gun shot wounds		
Photo Taken By:		Medical Evaluation (By Doctor): Y ☐ N ☑		
Medical Treatment: Y ☑ N ☐		Treating Physician Name: N/A		
Assessment (Paramedic/EMT): Y ☑ N ☐		Reason for Use of Force (DGO 5.01):		
Hospital Name:		☐ To effect a lawful arrest, detention, or search		
Subject Armed: Y ☑ N ☐	Type of Weapon: ☑ Firearm	☐ To overcome resistance or to prevent escape		
Subject Homeless: Y ☐ N ☑	☐ Replica Firearm	☐ To prevent the commission of a public offense		
Charge: (most serious only)	☐ Knife/Other Edged Weapon	☑ In defense of others or in self-defense		
	☐ Blunt Object	☐ To gain compliance with a lawful order		
	☐ Other	☐ To prevent a person from injuring himself/herself, when the person also poses an imminent danger of death or serious bodily injury to another person or officer		
Disposition: Other				
At the time of incident, the subject appeared to be under the influence of alcohol and/or drugs? Y ☐ N ☑				

Officer #1

Officer Name: Carroll, Corbyn				Unit ID: 3D14D
Star: 987	Station/Assignment: Mission			Video/BWC Available: Y ☑ N ☐
Years of Service: 3	Rank: Officer	Age: 27	Sex: M ☑ F ☐	
Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐				
Injured: Y ☐ N ☑	Death: Y ☐ N ☑	Identification:	Plainclothes Identification:	
Medical Treatment: Y ☐ N ☑		☑ Uniform	☐ Verbally	
Assessment (Paramedic/EMT): Y ☐ N ☑		☐ Plain clothes	☐ Display of Star	
Medical Evaluation (By Doctor): Y ☐ N ☑			☐ Raid Jacket	
Photo of Injury: Y ☐ N ☑	Photo Taken By: N/A			
Short description of Injury: N/A				

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1	☐ Chemical Agent
☑ Firearm Pointing 2,3	☐ Physical Control Hold/Take Down
☐ Strike by Obj. (personal body weapon)/Fist	☐ Spike Strips
☐ Impact Weapon	☐ Vehicle Intervention (Deflection)
☐ ERIW	☐ K-9 Bite
	☐ Other:

*Serious bodily injury, as defined in 12525.2(d) of the California Government Code, means "a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ."

SFPD 575B (3/17)

Add Additional Subjects Below

Add Additional Officers Below

SFPD v. 0097-18 - 001965

San Francisco Police Department
Supervisory Use of Force Evaluation

Preliminary Findings of Supervisory Evaluation

INCIDENT NUMBER: [redacted]

Does the Use of Force appear to be reasonable? Y ☑ N ☐

If no, notify a superior officer.
Submit for Commanding Officer's approval prior to reporting off-duty.

Name of Supervisor Completing Evaluation: Rank: Sergeant Date: 03/07/2018

Barcena, Oscar [redacted] Star: 1715

Reviewed UOF log ☑ Reviewed incident report ☑

Name of Lieutenant Reviewing: Date:

Lt. Ronald Banta #2251 MAR 0 6 2018

Reviewed UOF log ☑ Reviewed incident report ☐

Name of Captain Approving: Date: MAR 0 8 2018

Captain Caltagirone #872

Reviewed UOF log ☑ Reviewed incident report ☑

Commanding Officers:

Forward original to Commanding Officer of Risk Management
(Please write "UoF Eval" on outside of envelope)

Email to:

- Commanding Officer of Training Division: sfpd.training.uof.eval@sfgov.org
- EIS: sfpdeisadmin@sfgov.org

Copies to:

- Member's Bureau Chief: through the chain of command

SFDPA - 0097-18 - 001966

Additional Subject Form

Delete Page

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]					
Subject #: 2	Subject Name: [redacted]				DOB: [redacted]
Race (Choose only one): Asian ☐	Black ☐	White ☐	Hispanic ☑	Native American ☐	Unknown ☐
Sex: M ☑ F ☐	LEP: Y ☐ N ☑	Language: English	Height: 5'09"	Weight: 180	
Complaint of Pain: Y ☐ N ☑	Injured: Y ☐ N ☑	Serious Bodily Injury*: Y ☐ N ☑	Death: Y ☐ N ☑		
Photo Taken of Injury: Y ☐ N ☑	Injuries Description: N/A				
Photo Taken By: N/A	Medical Evaluation (By Doctor): Y ☐ N ☑				
Medical Treatment: Y ☐ N ☑	Treating Physician Name: N/A				
Assessment (Paramedic/EMT): Y ☐ N ☑	**Reason for Use of Force (DGO 5.01):**				
Hospital Name: N/A	☑ To effect a lawful arrest, detention, or search				
Subject Armed: Y ☑ N ☐	**Type of Weapon:** ☑ Firearm	☐ To overcome resistance or to prevent escape			
Subject Homeless: Y ☐ N ☑	☐ Replica Firearm	☐ To prevent the commission of a public offense			
Charge: (Most serious only) 211 PC	☐ Knife/Other Edged Weapon	☐ In defense of others or in self-defense			
	☐ Blunt Object	☐ To gain compliance with a lawful order			
	☐ Other	☐ To prevent a person from injuring himself/herself, when the person also poses an imminent danger of death or serious bodily injury to another person or officer			
Disposition: Booked					
At the time of incident, the subject appeared to be under the influence of alcohol and/or drugs? Y ☐ N ☑					

Subject #: 3	Subject Name: [redacted]				DOB: [redacted]
Race (Choose only one): Asian ☐	Black ☐	White ☐	Hispanic ☑	Native American ☐	Unknown ☐
Sex: M ☐ F ☑	LEP: Y ☐ N ☑	Language: English	Height: 5'05"	Weight: 115	
Complaint of Pain: Y ☐ N ☑	Injured: Y ☐ N ☑	Serious Bodily Injury*: Y ☐ N ☑	Death: Y ☐ N ☑		
Photo Taken of Injury: Y ☐ N ☑	Injuries Description: N/A				
Photo Taken By: N/A	Medical Evaluation (By Doctor): Y ☐ N ☑				
Medical Treatment: Y ☐ N ☑	Treating Physician Name: N/A				
Assessment (Paramedic/EMT): Y ☐ N ☑	**Reason for Use of Force (DGO 5.01):**				
Hospital Name: N/A	☑ To effect a lawful arrest, detention, or search				
Subject Armed: Y ☑ N ☐	**Type of Weapon:** ☑ Firearm	☐ To overcome resistance or to prevent escape			
Subject Homeless: Y ☐ N ☑	☐ Replica Firearm	☐ To prevent the commission of a public offense			
Charge: (Most serious only) 211 PC	☐ Knife/Other Edged Weapon	☐ In defense of others or in self-defense			
	☐ Blunt Object	☐ To gain compliance with a lawful order			
	☐ Other	☐ To prevent a person from injuring himself/herself, when the person also poses an imminent danger of death or serious bodily injury to another person or officer			
Disposition: --					
At the time of incident, the subject appeared to be under the influence of alcohol and/or drugs? Y ☐ N ☑					

SFPD 575B (2/17)

SFDPA - 0097-18 - 001967

Additional Officer Form

Police Page

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]

Officer #: 2 | Officer Name: Smets, Colby | Unit ID: 3D13D

Star: 253 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 1.5 | Rank: Officer | Age: 28 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☐ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1
☑ Firearm Pointing 2,3
☐ Strike by Obj. (personal body weapon)/Fist
☐ Impact Weapon
☐ ERIW
☐ Chemical Agent
☐ Physical Control Hold/Take Down
☐ Spike Strips
☐ Vehicle Intervention (Deflection)
☐ K-9 Bite
☐ Other:

Officer #: 3 | Officer Name: O'Rourke, Sean | Unit ID: 3D14E

Star: 2214 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 2.5 | Rank: Officer | Age: 32 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☐ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1
☑ Firearm Pointing 2,3
☐ Strike by Obj. (personal body weapon)/Fist
☐ Impact Weapon
☐ ERIW
☐ Chemical Agent
☐ Physical Control Hold/Take Down
☐ Spike Strips
☐ Vehicle Intervention (Deflection)
☐ K-9 Bite
☐ Other:

SFDPA - 0097-18 - 001908

Additional Officer Form

Redacted

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]

Officer #: 4 | Officer Name: Chiu, Loren | Unit ID: 3D15D

Star: 1306 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 3.5 | Rank: Officer | Age: 26 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☑ Black ☐ White ☐ Hispanic ☐ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☐ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1
☑ Firearm Pointing 2,3
☐ Strike by Obj. (personal body weapon)/Fist
☐ Impact Weapon
☐ ERIW
☐ Chemical Agent
☐ Physical Control Hold/Take Down
☐ Spike Strips
☐ Vehicle Intervention (Deflection)
☐ K-9 Bite
☐ Other:

Officer #: 5 | Officer Name: Tupper, Joshua | Unit ID: 3D13E

Star: 2.5 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 1.5 | Rank: Officer | Age: 25 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☐ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1
☑ Firearm Pointing 2,3
☐ Strike by Obj. (personal body weapon)/Fist
☐ Impact Weapon
☐ ERIW
☐ Chemical Agent
☐ Physical Control Hold/Take Down
☐ Spike Strips
☐ Vehicle Intervention (Deflection)
☐ K-9 Bite
☐ Other:

SFDPA - 0097-18 - 001969

Additional Officer Form

[redacted]

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]

Officer #: 6 | Officer Name: Gustilo, Juan | Unit ID: 3D15D

Star: 1469 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 1 | Rank: Officer | Age: 36 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☑ Black ☐ White ☐ Hispanic ☐ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☐ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

- ☑ Firearm OIS 1
- ☑ Firearm Pointing 2,3
- ☐ Strike by Obj. (personal body weapon)/Fist
- ☐ Impact Weapon
- ☐ ERIW
- ☐ Chemical Agent
- ☐ Physical Control Hold/Take Down
- ☐ Spike Strips
- ☐ Vehicle Intervention (Deflection)
- ☐ K-9 Bite
- ☐ Other:

Officer #: 7 | Officer Name: Smith-Russack, Ari | Unit ID: 3D14D

Star: 4152 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 1 | Rank: Officer | Age: 22 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☐ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

- ☑ Firearm OIS 1
- ☑ Firearm Pointing 2,3
- ☐ Strike by Obj. (personal body weapon)/Fist
- ☐ Impact Weapon
- ☐ ERIW
- ☐ Chemical Agent
- ☐ Physical Control Hold/Take Down
- ☐ Spike Strips
- ☐ Vehicle Intervention (Deflection)
- ☐ K-9 Bite
- ☐ Other:

SFDPA - 0097-18 - 001970

Additional Officer Form

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]

Officer #: 8	Officer Name: Ishida, John		Unit ID: 3D91
Star: 2035	Station/Assignment: Mission		Video/BWC Available: Y ☑ N ☐
Years of Service: 3.5	Rank: Officer	Age: 29	Sex: M ☑ F ☐
Race (Choose only one):	Asian ☑ Black ☐ White ☐ Hispanic ☐ Native American ☐ Unknown ☐		
Injured: Y ☐ N ☑	Death: Y ☐ N ☑	**Identification:**	**Plainclothes Identification:**
Medical Treatment: Y ☐ N ☑		☑ Uniform	☐ Verbally
Assessment (Paramedic/EMT): Y ☐ N ☑		☐ Plain clothes	☐ Display of Star
Medical Evaluation (By Doctor): Y ☐ N ☑			☐ Raid Jacket
Photo of Injury: Y ☐ N ☑	Photo Taken By: N/A		
Short description of Injury: N/A			

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1	☐ Chemical Agent
☑ Firearm Pointing 2,3	☐ Physical Control Hold/Take Down
☐ Strike by Obj. (personal body weapon)/Fist	☐ Spike Strips
☐ Impact Weapon	☐ Vehicle Intervention (Deflection)
☐ ERIW	☐ K-9 Bite
	☐ Other:

Officer #: 9	Officer Name: Nagai, Nicholas		Unit ID: 3D41D
Star: 2017	Station/Assignment: Mission		Video/BWC Available: Y ☑ N ☐
Years of Service: 3	Rank: Officer	Age: 31	Sex: M ☑ F ☐
Race (Choose only one):	Asian ☑ Black ☐ White ☐ Hispanic ☐ Native American ☐ Unknown ☐		
Injured: Y ☐ N ☑	Death: Y ☐ N ☑	**Identification:**	**Plainclothes Identification:**
Medical Treatment: Y ☐ N ☑		☑ Uniform	☐ Verbally
Assessment (Paramedic/EMT): Y ☐ N ☑		☐ Plain clothes	☐ Display of Star
Medical Evaluation (By Doctor): Y ☐ N ☑			☐ Raid Jacket
Photo of Injury: Y ☐ N ☑	Photo Taken By: N/A		
Short description of Injury: N/A			

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1	☐ Chemical Agent
☑ Firearm Pointing 2,3	☐ Physical Control Hold/Take Down
☐ Strike by Obj. (personal body weapon)/Fist	☐ Spike Strips
☐ Impact Weapon	☐ Vehicle Intervention (Deflection)
☐ ERIW	☐ K-9 Bite
	☐ Other:

SFDPA - 0097-18 - 001971

Additional Officer Form

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]

Officer #: 10 | Officer Name: Cassinelli, Stephen | Unit ID: 3D13E

Star: 1104 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 2.5 | Rank: Officer | Age: 29 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☑ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

☑ Firearm OIS 1
☑ Firearm Pointing 2,3
☐ Strike by Obj. (personal body weapon)/Fist
☐ Impact Weapon
☐ ERIW
☐ Chemical Agent
☐ Physical Control Hold/Take Down
☐ Spike Strips
☐ Vehicle Intervention (Deflection)
☐ K-9 Bite
☐ Other:

Officer #: 11 | Officer Name: Santana, Bryan | Unit ID: 3D41D

Star: 2097 | Station/Assignment: Mission | Video/BWC Available: Y ☑ N ☐

Years of Service: 5 | Rank: Officer | Age: 28 | Sex: M ☑ F ☐

Race (Choose only one): Asian ☐ Black ☐ White ☐ Hispanic ☑ Native American ☐ Unknown ☐

Injured: Y ☐ N ☑ | Death: Y ☐ N ☑

Medical Treatment: Y ☐ N ☑

Assessment (Paramedic/EMT): Y ☐ N ☑

Medical Evaluation (By Doctor): Y ☐ N ☑

Identification:
☑ Uniform
☐ Plain clothes

Plainclothes Identification:
☐ Verbally
☐ Display of Star
☐ Raid Jacket

Photo of Injury: Y ☐ N ☑ | Photo Taken By: N/A

Short description of Injury: N/A

Type of Force Used (Specify subject number on which force was used):

☐ Firearm OIS
☐ Firearm Pointing
☐ Strike by Obj. (personal body weapon)/Fist
☐ Impact Weapon
☑ ERIW 1
☐ Chemical Agent
☐ Physical Control Hold/Take Down
☐ Spike Strips
☐ Vehicle Intervention (Deflection)
☐ K-9 Bite
☐ Other:

Additional Officer Form

Police Use

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]			
Officer #: 12	Officer Name: Bohannon, Caleb		Unit ID: 3D91
Star: 4005	Station/Assignment: Mission		Video/BWC Available: Y ☑ N ☐
Years of Service: 1	Rank: Officer	Age: 34	Sex: M ☑ F ☐
Race (Choose only one): Asian ☐ Black ☑ White ☐ Hispanic ☐ Native American ☐ Unknown ☐			
Injured: Y ☑ N ☐	Death: Y ☐ N ☑	Identification:	Plainclothes Identification:
Medical Treatment: Y ☑ N ☐		☑ Uniform	☐ Verbally
Assessment (Paramedic/EMT): Y ☑ N ☐		☐ Plain clothes	☐ Display of Star
Medical Evaluation (By Doctor): Y ☑ N ☐			☐ Raid Jacket
Photo of Injury: Y ☑ N ☐	Photo Taken By: Ishida, John #2035		
Short description of Injury: Shrapnel (glass/metal) to eyes			

Type of Force Used (Specify subject number on which force was used):

☐ Firearm OIS	☐ Chemical Agent
☑ Firearm Pointing 123	☐ Physical Control Hold/Take Down
☐ Strike by Obj. (personal body weapon)/Fist	☐ Spike Strips
☐ Impact Weapon	☐ Vehicle Intervention (Deflection)
☐ ERIW	☐ K-9 Bite
	☐ Other:

Officer #: 13	Officer Name: Cody, Sean		Unit ID: 3D2E
Star: 1375	Station/Assignment: Mission		Video/BWC Available: Y ☑ N ☐
Years of Service: 4	Rank: Mission	Age: 28	Sex: M ☑ F ☐
Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐			
Injured: Y ☐ N ☑	Death: Y ☐ N ☑	Identification:	Plainclothes Identification:
Medical Treatment: Y ☐ N ☑		☑ Uniform	☐ Verbally
Assessment (Paramedic/EMT): Y ☐ N ☑		☐ Plain clothes	☐ Display of Star
Medical Evaluation (By Doctor): Y ☐ N ☑			☐ Raid Jacket
Photo of Injury: Y ☐ N ☑	Photo Taken By: N/A		
Short description of Injury: N/A			

Type of Force Used (Specify subject number on which force was used):

☐ Firearm OIS	☐ Chemical Agent
☑ Firearm Pointing 123	☐ Physical Control Hold/Take Down
☐ Strike by Obj. (personal body weapon)/Fist	☐ Spike Strips
☐ Impact Weapon	☐ Vehicle Intervention (Deflection)
☐ ERIW	☐ K-9 Bite
	☐ Other:

SFDPA - 0097-18 - 001973

Additional Officer Form

[redacted]

San Francisco Police Department
Supervisory Use of Force Evaluation

INCIDENT NUMBER: [redacted]

Officer #: 14	Officer Name: Rotschi, Michael		Unit ID: 3D14E
Star: 1514	Station/Assignment: Mission		Video/BWC Available: Y ☑ N ☐
Years of Service: 4	Rank: Mission	Age: 32	Sex: M ☑ F ☐
Race (Choose only one): Asian ☐ Black ☐ White ☑ Hispanic ☐ Native American ☐ Unknown ☐			
Injured: Y ☐ N ☑	Death: Y ☐ N ☑	**Identification:**	**Plainclothes Identification:**
Medical Treatment: Y ☐ N ☑		☑ Uniform	☐ Verbally
Assessment (Paramedic/EMT): Y ☐ N ☑		☐ Plain clothes	☐ Display of Star
Medical Evaluation (By Doctor): Y ☐ N ☑			☐ Raid Jacket
Photo of Injury: Y ☐ N ☑	Photo Taken By: N/A		
Short description of Injury: N/A			

Type of Force Used (Specify subject number on which force was used):

☐ Firearm OIS	☐ Chemical Agent
☑ Firearm Pointing 1,3	☐ Physical Control Hold/Take Down
☐ Strike by Obj. (personal body weapon)/Fist	☐ Spike Strips
☐ Impact Weapon	☐ Vehicle Intervention (Deflection)
☐ ERIW	☐ K-9 Bite
	☐ Other:

Officer #:	Officer Name:		Unit ID:
Star:	Station/Assignment:		Video/BWC Available: Y ☐ N ☐
Years of Service:	Rank:	Age:	Sex: M ☐ F ☐
Race (Choose only one): Asian ☐ Black ☐ White ☐ Hispanic ☐ Native American ☐ Unknown ☐			
Injured: Y ☐ N ☐	Death: Y ☐ N ☐	**Identification:**	**Plainclothes Identification:**
Medical Treatment: Y ☐ N ☐		☐ Uniform	☐ Verbally
Assessment (Paramedic/EMT): Y ☐ N ☐		☐ Plain clothes	☐ Display of Star
Medical Evaluation (By Doctor): Y ☐ N ☐			☐ Raid Jacket
Photo of Injury: Y ☐ N ☐	Photo Taken By:		
Short description of Injury:			

Type of Force Used (Specify subject number on which force was used):

☐ Firearm OIS	☐ Chemical Agent
☐ Firearm Pointing	☐ Physical Control Hold/Take Down
☐ Strike by Obj. (personal body weapon)/Fist	☐ Spike Strips
☐ Impact Weapon	☐ Vehicle Intervention (Deflection)
☐ ERIW	☐ K-9 Bite
	☐ Other:

SFDPA - 0097-18 - 001974

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Rotschi, Michael #1514					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Rotschi, Michael #1514					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☑ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Santana, Bryan #2097					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Dalagirone #872 Unit: Co. D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Bohannon, Caleb #2097					☑ YES ☐ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Bohannon, Caleb #2097					☑ YES ☐ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Bohannon, Caleb #2097					☑ YES ☐ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: CO.D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001976

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cody, Sean #1375					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	[redacted]	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cody, Sean #1375					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	[redacted]	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cody, Sean #1375					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: Co. D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001977

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Carroll, Corbyn #987					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	[redacted]	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Carroll, Corbyn #987					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	[redacted]	H	M	☐ YES ☑ NO	☐ YES ☑ NO.	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Carroll, Corbyn #987					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Calhoun #872 Unit: C.O.

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001978

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smets, Colby #253					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	[redacted]	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smets, Colby #253					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	[redacted]	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smets, Colby #253					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: CoD

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001979

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	O'Rourke, Sean #2214					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Juarez, Christina	[redacted]	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	O'Rourke, Sean #2214					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	O'Rourke, Sean #2214					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Callahirone #972 Unit: Co. D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001980

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Chiu, Loren #1306					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Chiu, Loren #1306					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: 180175220 REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Chiu, Loren #1306					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: C.O.D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001981

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Tupper, Joshua #4115					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Tupper, Joshua #4115					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Tupper, Joshua #4115					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: C.O.

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001982

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Gustilo, Juan #1469					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Gustilo, Juan #1469					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Gustilo, Juan #1469					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Cattagirone #872 Unit: Co. D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001983

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smith-Russak, Ari #4152					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smith-Russak, Ari #4152					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smith-Russak, Ari #4152					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: Co-D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001984

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Ishida, John #2035					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Juarez, Christina	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Ishida, John #2035					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Ishida, John #2035					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: Co. D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001985

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Nagai, Nicholas #2017					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Nagai, Nicholas #2017					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Nagai, Nicholas #2017					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: Co. D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001986

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cassinelli, Stephen #1104					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cassinelli, Stephen #1104					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cassinelli, Stephen #1104					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: Captain Caltagirone #872 Unit: Co. D

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

SFDPA - 0097-18 - 001987

DPA Routine Document Request

To: Mission Station
Date/Time: 03/21/2018 10:33 Investigator: Carpenter
SFPD Incident #: [redacted]
Comments: 3/6/18

Phone #: 241-7735
DPA Case #: 0097-18

Deliver Documents:
☒ Fax DPA. 241-7733
☐ 25 Van Ness #700, 94102

Please forward the following documents to the DPA. The documents requested are considered routine under the SFPD-OCC Document Production Protocol, which requires a response to this request within three (3) days. As required by the Protocol, this request has been sent concurrently to Police Legal.

- ☐ 12500 Report (SFPD Form 164(a))
- ☐ 1460 Report (SFPD Form 164)
- ☐ Academy training records
- ☐ Affidavit Termination of Investigation (SFPD Form 470)
- ☐ Airport activity logs
- ☐ Anticipated Watch Report (SFPD Form 22)
- ☐ Arrest Record/Booking Slip (Form 3600-09)
- ☐ Candlestick Park activity logs
- ☐ Cell Check Log (SFPD Form 51)
- ☐ Certificate of Release (SFPD Form 184)
- ☐ Citation log book records
- ☐ Citizen Arrest Form (SFPD Form 80)
- ☐ Citizen Complaint Investigation Memorandum
- ☐ Cold Stop Admonishment (SFPD Form 466)
- ☒ Correction Watch Report (SFPD Form 117)
- ☐ Court Restrictive Orders or Emergency Protective Orders
- ☐ DABC reports (post-hearing)
- ☒ Daily Arrest logs (SFPD Form 307)
- ☐ Demonstration Memorandum (SFPD Form 77)
- ☐ Demonstration squad charts
- ☐ DMV Officer's Statement
- ☐ DMV Notice of Suspension (Form 360 & 360(A))
- ☐ DMV Supplemental to Officer's Statement (Blood/Urine Test Results)
- ☐ DMV Traffic Accident Report Form
- ☐ DMV Verbal Notice by Police Officer
- ☐ Domestic Violence Response Unit Tapes
- ☐ Domestic Violence Supplemental Report forms (SFPD 480a & 480b)
- ☐ Driving Under the Influence Card (SFPD Form 462)
- ☐ Driving Under the Influence Report (SFPD Form 264A-D)
- ☐ Drug Influence Evaluation Report (SFPD Form 26)
- ☐ Drug Influence Evaluation Report (SFPD Form 26A & B)
- ☐ Event operation orders
- ☐ Field Arrest Card
- ☐ Field Interview Card (SFPD Form 114)
- ☐ Firearms Training Roster (SFPD Form 53)
- ☐ Fleet management records
- ☐ Hit and Run Record (SFPD Form 133)
- ☐ Incident Reports (including all supplemental reports)
- ☐ Intoxilizer Model 5000 Checklist (or other models)(SFPD Form 15)
- ☐ Line-up Record (SFPD Form 56)
- ☐ Media footage
- ☐ Medical Screening Form (SFPD Form 54)
- ☐ Mug Shots (criminal history information tracking number to be redacted)
- ☐ Notice of Motor Vehicle Accident (SFPD Form 325)
- ☐ Officer notes (Photocopies only)
- ☐ Officer's Daily Report (Traffic Division)(SFPD Form 106)
- ☐ Overtime and Holiday Watch Report (SFPD Form 238)
- ☐ AT&T Park activity logs
- ☐ Payroll records
- ☐ Permission to Search Form (SFPD Form 468)
- ☐ Photographic Line-up Instructions (SFPD Form 467)
- ☐ PLES (10-8 assignment) rosters
- ☐ POST training materials
- ☐ Prisoner Transfer Record (SFPD Form 78)
- ☒ Property logs (from both stations and property control) (SFPD Form 230)
- ☐ Property Receipt Form (SFPD Form 315)
- ☐ Property Release Form (SFPD Form 158)
- ☐ Public Intoxication Report (SFPD Form 69)
- ☐ Ride-along Request and Review (SFPD Form 84)
- ☐ Roll call training logs
- ☐ Secondary Employment Application (SFPD Form 156)
- ☐ SFPD Dismissal Request (SFPD Form 256)
- ☐ SFPD officer photographs
- ☐ SFPD officer weight and height descriptions
- ☒ Station Arrest Logs
- ☐ Strip search authorization form (SFPD Form 305)
- ☐ Traffic Collision Reports (CHP555, 555-03 & 556)
- ☐ Traffic Court Report (SFPD Form 295)
- ☐ Unit Orders
- ☐ Use of force logs (SFPD Form 128)
- ☐ Verification of latent fingerprint request (SFPD Form 235)(not including results)
- ☒ Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474)

DAILY EQUIPMENT SIGN-OUT & SIGN-IN SHEET

MISSION STATION

DATE: 03/06/18 WATCH: DAYS/SWINGS/MIDS STATION KEEPER / STAR #: TURNER 2466

OFFICER(S) NAME/STAR #	UNIT	VEHICLE	SHOT GUN	ERIW	RIFLE	SPIKE STRIPS	VEST	JUMP BOX	OTHER	OUT INITIAL/ STAR #	IN INITIAL/ STAR#	S/K INITIAL/ STAR
GONZALES SANDS	D50	091		10	10					MG 1788	DG 4272	~~2466~~
MARTIN CAMPOS	3D11A	095		14	15					CM 4125	CM 4125	LL 1239
PEREZ	6A	126		17						[illegible]	[illegible]	~~2466~~
GASSEN LAOKWANSATHITAYA	3D15A	157	10	16						59	59	LL 1239
MCINTOSH BOYLE	3D41A 3D42A	599								DB 208	DB 208	LL 1239
WISE HAYES	3D13A	139		2	2					[illegible] 1116	[illegible] 1116	LL 1239
LOCKETT BURKS	29 28	124		1	6					DL 2381	DL 2381	LL 1239
BEAIRD MAYO / MABI	74	67								[illegible]	[illegible]	LL 1239
ROSE TIEN / FOLEY	15C	1111		15						AT 405	AT 405	LL 1239
STRICKLAND WANG	11C	199		13	13					CS 874	874	LL 1239
CONDON DIXON	44C	084		5	4					PC 273	PC 273	MG 1788
CLENDENEN ARELLO	14C	115		11	11					[illegible]	14A 004	LL 1239
LEWIS LOO	13C	~~126~~ 126		4	3					[illegible]	GC 1912	LL 1239
SUTHERLAND	D66	86		10						GDS 2404	GDS 2404	LL 1239

Platoon Commander: [redacted]

SFPD 474 (rev. 02/04)

SFPD-0747-18-020489

MISSION STATION

INVENTORY CHECKLIST

DATE 3/6/18

WATCH

(CIRCLE ONE)

DAYS/ SWINGS/ MIDS

STATION KEEPER

TURNER

NAME

2466

STAR

VEHICLE AND KEYS

BW002	DOWN	BW091		BW139		BW1111	
BW051	DOWN	BW095		BW157			
BW067		BW115	DOWN	BW160		W0599	
BW084		BW124		BW199		W0532	DOWN
BW086	DOWN	BW126		BW216			

SHOTGUN AND AMMO

D1		D2		D3		D4		D5	
D6		D7		D8	DOWN	D9		D10	

ERIW AND AMMO

D1		D2		D3		D4		D5	
D6		D7		D8		D9		D10	
D11		D12		D13		D14		D15	
D16		D17							

PATROL RIFLE AND MAGS

D1		D2		D3		D4		D5	
D6		D7		D8		D9	DOWN	D10	
D11		D12		D13		D14		D15	
D16		D17							

BALLISTIC VEST

D1		D2		D3		D4		D5	
D6		D7		D8		D9		D10	

CABLES/JUMPER BOX/ROLATAPE

CABLE 1		CABLE 2		BOX 1		BOX 2		TAPE 1	
TAPE 2									

PRINT KIT/ PAS DEVICE/ SPIKE STRIPS

PRINT 1		PRINT 2		PAS 1		PAS 2	
1275		7868		7928		7929	

Supervisor Signature _____

SFDPA - 0097-18 - 001990

DAILY EQUIPMENT SIGN-OUT & SIGN-IN SHEET

MISSION STATION

DATE: 3/6/18 WATCH: DAYS/SWINGS/MIDS STATION KEEPER / STAR #: ZASLY #1239

OFFICER(S) NAME/STAR #	UNIT	VEHICLE	SHOT GUN	ERIW	RIFLE	SPIKE STRIPS	VEST	JUMP BOX	OTHER	OUT INITIAL/ STAR #	IN INITIAL/ STAR#	S/K INITIAL/ STAR
SMETS RAY LEE	3DBD	216		4	3					RL 469	MT 1788	MT 1788
ANDALIZ BANEGAS	D11D	895	(CAR AT SCENE)	14	14					1851	NO KEYS	AC# 143
CARROLL SMITH RUSSAC	D14D	157	(CAR AT SCENE)	16	16 (01)					CC 687		AC# 143
GUSTILO CHIU	D15D	139	(CAR AT SCENE)	9	17					1469		AC # 143
SANTANA NAIGE	D41D	599								KS 2097	MT 1788	AC# 143

Platoon Commander: _____

SFPA-004 (rev. 02/04)

MISSION STATION

INVENTORY CHECKLIST

DATE 03 / 06 / 18

WATCH

(CIRCLE ONE)

DAYS/ SWINGS/ MIDS

STATION KEEPER

ZASLY

NAME

1239

STAR

VEHICLE AND KEYS

BW002	DOWN	BW091	DOWN	BW139	✓	BW1111	✓
BW051	DOWN	BW095	✓	BW157	✓		
BW067	✓	BW115		BW160	DOWN	W0599	✓
BW084	✓	BW124	✓	BW199	✓	W0532	DOWN
BW086	✓	BW126	✓	BW216	✓		

SHOTGUN AND AMMO

D1	✓	D2	✓	D3	✓	D4	✓	D5	✓
D6	✓	D7	✓	D8	DOWN	D9	✓	D10	✓

ERIW AND AMMO

D1	✓	D2	✓	D3	✓	D4	✓	D5	✓
D6	✓	D7	✓	~~D8~~	✓	D9	✓	D10	✓
D11	✓	D12	DOWN	D13	✓	D14	✓	D15	✓
D16	✓	D17	✓						

PATROL RIFLE AND MAGS

D1	✓	D2	✓	D3	✓	D4		D5	✓
D6	✓	D7	✓	D8	✓	~~D9~~	DOWN	D10	✓
D11	✓	D12	✓	D13	✓	D14	✓	D15	✓
D16	✓	D17	✓						

BALLISTIC VEST

D1	✓	D2	✓	D3	✓	D4	✓	D5	✓
D6	✓	D7	✓	D8	✓	D9	✓	D10	✓

CABLES/JUMPER BOX/ROLATAPE

CABLE 1	✓	CABLE 2	✓	BOX 1	✓	BOX 2	✓	TAPE 1	✓
TAPE 2	✓								

PRINT KIT/ PAS DEVICE/ SPIKE STRIPS

PRINT 1	✓	PRINT 2	✓	PAS 1	✓	PAS 2	✓
1275	✓	7868	✓	7928	✓	7929	✓

Supervisor Signature _____

SEDPAX-0097-18 - 001992

DAILY EQUIPMENT SIGN-OUT & SIGN-IN SHEET

MISSION STATION

DATE: 3/6/18 WATCH: DAYS/SWINGS/MIDS STATION KEEPER / STAR #: GARCIA 1788

OFFICER(S) NAME/STAR #	UNIT	VEHICLE	SHOT GUN	ERIW	RIFLE	SPIKE STRIPS	VEST	JUMP BOX	OTHER	OUT INITIAL/ STAR #	IN INITIAL/ STAR#	S/K INITIAL/ STAR
ISHIDA	D91	1111		2	8		1			2035	MG 1788	MG 1788
BOHANNON/WYRICOOP												
DENNIS	~~DISE~~	086		-15	-10					JD 334	JD 334	Ac # 143
KOLMAN												
KATSA	D11E	199		17	5		492			SK 2058	SK 2058	AC# 143
CHAMBLIN												
TUPPER	D13E	~~136~~ 117	car at scene OIS	8	1 (OIS)							Ac # 143
CASSINELLI										DP 4115		
O'Rourke	D14E	124		11	6					SP 0819		Ac # 143
PATSCHKE												
ROSE		115								MG 1788	MG 1788	MG 1788

Platoon Commander: _____

MISSION STATION

INVENTORY CHECKLIST

DATE 03 / 07 / 18

WATCH

(CIRCLE ONE)

DAYS/ SWINGS/ MIDS

STATION KEEPER

GARCIA

NAME

1788

STAR

VEHICLE AND KEYS

BW002	D	BW091	D	BW139		BW1111	X
BW051	D	BW095		BW157			
BW067	X	BW115	X	BW160	D	W0599	X
BW084	X	BW124	X	BW199	X	W0532	D
BW086	X	BW126	X	BW216	X		

SHOTGUN AND AMMO

D1	X	D2	X	D3	X	D4	X	D5	X
D6	X	D7	X	D8	D	D9	X	D10	X

ERIW AND AMMO

D1	X	D2	X	D3	X	D4	X	D5	X
D6	X	D7	X	D8		D9		D10	X
D11	D	D12	X	D13	X	D14		D15	
D16		D17							

PATROL RIFLE AND MAGS

D1	X	D2	X	D3	X	D4	X	D5	
D6		D7	X	D8	X	D9	D	D10	
D11	D	D12	X	D13	X	D14		D15	X
D16	D	D17							

BALLISTIC VEST

D1	X	D2	X	D3	X	D4	X	D5	X
D6	X	D7	X	D8	X	D9	X	D10	X

CABLES/JUMPER BOX/ROLATAPE

CABLE 1	X	CABLE 2	X	BOX 1	X	BOX 2		TAPE 1	X
TAPE 2	X								

PRINT KIT/ PAS DEVICE/ SPIKE STRIPS

PRINT 1	X	PRINT 2	X	PAS 1	X	PAS 2	X
1275	X	7868	X	7928	X	7929	X

Supervisor Signature _____

DISTRICT STATION PROPERTY CONTROL LOG
San Francisco Police Department

STATION: MISSION

BAG NO.	DATE	TIME BOOKED	CASE NUMBER	DESCRIPTION OF PROPERTY	OFF. BOOKING PROPERTY	OFF. RECEIVING PROPERTY	REMARKS
1	3-5-18	1459	[redacted]	CJS PHOTO CD CJS EPO CJS DV CHECKLISTS	MV 1113		
2	3/5/18	1530		$1,567 U.S. CURRENCY	MSN #2395		
3	3-5-18	1458		(1) DMV RECORDS	KF 1140		
4	3/5/18	2030		(1) SHARP; (1) METAL PAN (1) DIGITAL SCALE; (55) BAGGIES BASALOS	MSN #2395		
5	3/5/18	2024		$2.00	MM 2304		
6	3/5/18	2024		$459.00	MM 2304		
7	3/5/18	2024		Cell phone, Prop rec-(1), CJ Forms-(1) Misc forms-(1); Forms-(1)	MM 2304		
8	3/5/18	2024		2 Boxes of Diapers	MM 2304		
9	3/5/18	2120		(1) Shank screw driver black/red handle	CS 874		
10	3/5/18	2143		(1) Vehicle Signature Card	SS 4854		
11	3/5/18	2143		(1) Letter (1) Email	SS 4854		
12	3/5/18	2144		(1) Statement (1) Medical Letter	SS 4854		
13	3/5/18	2145		(1) CD	JG 671		
14	3/5/18	2146		(1) KNIFE, COLD STEEL, SHEATH, CD	CH 185		
15	3/5/18	2250		DVD (1)	MM 2304		
16	3/5/18	2300		(1) CD (1) RECEIPT	MSN #2395		
17	3/6/18	0041		(1) DMV ID Printout	AOL 658		
18	3/6/18	0103		(1) DVD (1) COLD STEEL (1) 3496 (1) SFPD RPT	LC 1306		

TOTAL NO. OF BAGS	PAGE NUMBER	NO. OF PAGES	DATE RECEIVED BY PROPERTY SECTION	RECEIVED BY PROPERTY SECTION (SIGNATURE)
27	1	2	3-6-18	1659

SFDPA - 0097-18 - 001995

SF PD – 230 (6/80)

DISTRICT STATION PROPERTY NTROL LOG
San Francisco Po..ce Department

STATION D

BAG NO.	DATE	TIME BOOKED	CASE NUMBER	DESCRIPTION OF PROPERTY	OFF. BOOKING PROPERTY	OFF. RECEIVING PROPERTY	REMARKS
1	3/6/18	0105	[redacted]	(1) PAIR OF BOOTS	LC 13016		
~~2~~	3/6/18	0114		(1) VEHICLE SIGNATURE CARD	DM 48496		
~~3~~	3/6/18	0145		(1) VEH SIG. CARD	JD 334		
~~4~~	3/6/18	0233		(1) COLD SHOW FORM (2) VICTIM STATEMENT	CB 4005		
~~5~~	3/6/18	0415		(1) CD	EO 317		
~~6~~	3/6/18	0427		(1) CD	EO 317		
~~7~~	3/6/18	0512		(2) CA's	SC 11074		
~~8~~	3/6/18	0552		(1) DMV PRINTOUT	CKW 608		
~~9~~	3/6/18	0750		1 BOX OF 92 PAMPER DIARIES	~~CB 2446~~		

TOTAL NO. OF BAGS	PAGE NUMBER	NO. OF PAGES	DATE RECEIVED BY PROPERTY SECTION	RECEIVED BY PROPERTY SECTION (SIGNATURE)
27	2	2	3-6-18	1609

SFDPA - 0097-18 - 001996

SAN FRANCISCO POLICE DEPARTMENT
DAILY ARREST INFORMATION

Station	MISSION	Reporting Period	Day TUES Date 03/06/18 0001 hrs.	through	2400 hrs.

TIME	NAME	ADDRESS	DOB	SEX	CHARGES	LOCATION OF ARREST
0830	[redacted]		10/28/78	M	WARRANT	613 DUNCAN
1200			6/3/62	M	WARRANT 1489 PC	3077 20TH ST
1400			07/27/67	M	21310 PC, 647F PC	3049 21ST ST.
1900			12/20/73	M	647(f) PC	3049 21ST ST.
2025			09/04/81	M	243(e)(1) PC	TREAT AVE / MISTRAL
0928			7/6/94	M	211 PC	16TH / SHOTWELL

By order of the Chief of Police, this form shall be faxed to the Office of Citizen Complaints, Legal Division, and Operations Bureau by 0900 hours daily. If no arrests are made on a specific date, the form shall still be faxed with a notation "No arrests on this date."

SFDPA - 0097-18 - 001997

SAN FRANCISCO POLICE DEPARTMENT
Mission Police Station
630 Valencia St
SAN FRANCISCO, CA.
OFFICE #: (415)
FAX # (415)

Fax Transmittal Sheet

DATE: March 13, 2018

AGENCY: DPA

FAX NUMBER: 415-241-7733

ATTENTION: Investigator Carpenter

SENT BY: Sgt. Oropeza #205

PHONE #: 415-558-5400

COMMENTS:

Number of pages, Including Cover Sheet: **16**

DPA Routine Document Request

To: Mission Station
Date/Time: 03/08/2018 18:28 Investigator: Carpenter
SFPD Incident #: [redacted]
Comments: Use of Force Log for 3/6/18

Phone #: 415-241-7735
DPA Case #: 0097-18

Deliver Documents:
☒ Fax DPA. 241-7733
☐ 25 Van Ness #700, 94102

Please forward the following documents to the DPA. The documents requested are considered routine under the SFPD-OCC Document Production Protocol, which requires a response to this request within three (3) days. As required by the Protocol, this request has been sent concurrently to Police Legal.

- ☐ 1250 Use of Force Report (SFPD Form 164(a))
- ☐ 1480 Use of Force Report (SFPD Form 164)
- ☐ Academy training records
- ☐ Affidavit for Termination of Investigation (SFPD Form 470)
- ☐ Airport activity logs
- ☐ Anticrime Watch Report (SFPD Form 22)
- ☐ Arrest Record/Booking Slip (Form 3800-09)
- ☐ Candlestick Park activity logs
- ☐ Cell Check Log (SFPD Form 51)
- ☐ Certificate of Release (SFPD Form 184)
- ☐ Citation book records
- ☐ Citizen Arrest Form (SFPD Form 80)
- ☐ Citizen Complaint Investigation Memorandum
- ☐ Cold Case Admonishment (SFPD Form 466)
- ☐ Corrective Watch Report (SFPD Form 117)
- ☐ Court Protective Orders or Emergency Protective Orders
- ☐ DABOR reports (post-hearing)
- ☐ Daily Arrest logs (SFPD Form 307)
- ☐ Demonstration Memorandum (SFPD Form 77)
- ☐ Demonstration squad charts
- ☐ DMV Officer's Statement
- ☐ DMV Notice of Suspension (Form 360 & 360(A))
- ☐ DMV Supplemental to Officer's Statement (Blood/Urine Test Results)
- ☐ DMV Traffic Accident Report Form
- ☐ DMV Warning Notice by Police Officer
- ☐ Domestic Violence Response Unit Tapes
- ☐ Domestic Violence Supplemental Report forms (SFPD 480a & 480b)
- ☐ Driving under the Influence Card (SFPD Form 482)
- ☐ Driving under the Influence Report (SFPD Form 284A-D)
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- ☐ Drug Influence Evaluation Report (SFPD Form 26A & B)
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- ☐ Field Arrest Card
- ☐ Field Interview Card (SFPD Form 114)
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- ☐ Mug Shots (criminal history information tracking number to be redacted)
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- ☐ SFPD officer photographs
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- ☐ Traffic Court Report (SFPD Form 295)
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- ☒ Use of force logs (SFPD Form 126)
- ☐ Verification of latent fingerprint request (SFPD Form 335)(not including results)
- ☐ Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474)

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Rotschi, Michael #1514					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Rotschi, Michael #1514					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☑ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Santana, Bryan #2097					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

No. 0582 P. 3
Mar. 13. 2018 10:14AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Bohannon, Caleb #2097					☑ YES ☐ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Bohannon, Caleb #2097					☑ YES ☐ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Bohannon, Caleb #2097					☑ YES ☐ NO	

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SFPD 128 (Rev. 11/17)

No. 0582 P. 4
Mar. 13. 2018 10:14AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cody, Sean #1375					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cody, Sean #1375					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cody, Sean #1375					☐ YES ☑ NO	

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Commanding Officer's Signature: _____ Unit: _____

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SFPD 128 (Rev. 11/17)

No. 0582 P. 5
Mar. 13. 2018 10:15AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Carroll, Corbyn #987					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Carroll, Corbyn #987					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Carroll, Corbyn #987					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

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SFPD 128 (Rev. 11/17)

No. 0582 P. 6
Mar. 13. 2018 10:15AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smets, Colby #253					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smets, Colby #253					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smets, Colby #253					☐ YES ☑ NO	

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Commanding Officer's Signature: _____ Unit: _____

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Mar. 13. 2018 10:15AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	O'Rourke, Sean #2214					☐ YES ☑ NO	

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DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	O'Rourke, Sean #2214					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	O'Rourke, Sean #2214					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

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SFPD 128 (Rev. 11/17)

No. 0582 P. 8
Mar. 13. 2018 10:16AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Physical Control Hold/ Take Down ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ Impact Weapon ☐ K-9 Bite ☐ Chemical Agent ☐ Other ☐ ERIW
Officer/ Star #	Chiu, Loren #1306					☐ YES ☑ NO	

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DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☐ Physical Control Hold/ Take Down ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ Impact Weapon ☐ K-9 Bite ☐ Chemical Agent ☐ Other ☐ ERIW
Officer/ Star #	Chiu, Loren #1306					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☐ Physical Control Hold/ Take Down ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ Impact Weapon ☐ K-9 Bite ☐ Chemical Agent ☐ Other ☐ ERIW
Officer/ Star #	Chiu, Loren #1306					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

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SFPD 128 (Rev. 11/17)

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Mar. 13. 2018 10:16AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Tupper, Joshua #4115					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Tupper, Joshua #4115					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Tupper, Joshua #4115					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

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SFPD 128 (Rev. 11/17)

No. 0582 P. 10
Mar. 13. 2018 10:16AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Gustilo, Juan #1469					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Gustilo, Juan #1469					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Gustilo, Juan #1469					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

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SFPD 128 (Rev. 11/17)

No. 0582 P. 11
Mar. 13. 2018 10:17AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smith-Russak, Ari #4152					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smith-Russak, Ari #4152					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: 180175220 REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Smith-Russak, Ari #4152					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

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SFPD 128 (Rev. 11/17)

No. 0582 P. 12
Mar. 13. 2018 10:17AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm--OIS ☐ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Ishida, John #2035					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Ishida, John #2035					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm--OIS ☑ Firearm--Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Ishida, John #2035					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

No. 0582 P. 13
Mar. 13. 2018 10:17AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS; ☐ Firearm–Pointing; ☐ Strike by Obj (Personal body weapon/Fist); ☐ Impact Weapon; ☐ Chemical Agent; ☐ ERIW; ☐ Physical Control Hold/ Take Down; ☐ Spike Strips; ☐ Vehicle Intervention (Deflection); ☐ K-9 Bite; ☐ Other
Officer/ Star #	Nagai, Nicholas #2017					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS; ☑ Firearm–Pointing; ☐ Strike by Obj (Personal body weapon/Fist); ☐ Impact Weapon; ☐ Chemical Agent; ☐ ERIW; ☐ Physical Control Hold/ Take Down; ☐ Spike Strips; ☐ Vehicle Intervention (Deflection); ☐ K-9 Bite; ☐ Other
Officer/ Star #	Nagai, Nicholas #2017					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS; ☑ Firearm–Pointing; ☐ Strike by Obj (Personal body weapon/Fist); ☐ Impact Weapon; ☐ Chemical Agent; ☐ ERIW; ☐ Physical Control Hold/ Take Down; ☐ Spike Strips; ☐ Vehicle Intervention (Deflection); ☐ K-9 Bite; ☐ Other
Officer/ Star #	Nagai, Nicholas #2017					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

No. 0582 P. 14
Mar. 13. 2018 10:18AM

USE OF FORCE LOG

SAN FRANCISCO POLICE DEPARTMENT

Reporting Period Beginning: 03/05/2018 (MM/DD/YYYY) Ending: 03/11/2018 (MM/DD/YYYY)

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	Doe, John		H	M	☑ YES ☐ NO	☑ YES ☐ NO	☑ Firearm–OIS ☐ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cassinelli, Stephen #1104					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	18	H	F	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cassinelli, Stephen #1104					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

DATE: 03/06/2018 CASE NUMBER: [redacted] REVIEWING SUPERVISOR: Sergeant Barcena #1715

	Name	Age	Race *	Sex	Complaint of Pain	Injured	Type of Force Used
Subject	[redacted]	19	H	M	☐ YES ☑ NO	☐ YES ☑ NO	☐ Firearm–OIS ☑ Firearm–Pointing ☐ Strike by Obj (Personal body weapon/Fist) ☐ Impact Weapon ☐ Chemical Agent ☐ ERIW ☐ Physical Control Hold/ Take Down ☐ Spike Strips ☐ Vehicle Intervention (Deflection) ☐ K-9 Bite ☐ Other
Officer/ Star #	Cassinelli, Stephen #1104					☐ YES ☑ NO	

* I – American Indian, A – Asian or Pacific Islander, B – Black, H – Hispanic, U – Unknown, W – White

Commanding Officer's Signature: _____ Unit: _____

FORWARD ONE COPY TO BUREAU DEPUTY CHIEF. FORWARD A COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER OF RISK MANAGEMENT AND TRAINING DIVISION ON THE MONDAY OF EACH WEEK.

SFPD 128 (Rev. 11/17)

No. 0582 P. 15
Mar. 13. 2018 10:18AM

DPA Routine Document Request

To: Mission Station
Date/Time: 03/21/2018 10:33 Investigator: Carpenter
SFPD Incident #: [redacted]
Comments: 3/6/18

Phone #: 241-7735
DPA Case #: 0097-18

Deliver Documents:
☒ Fax DPA. 241-7733
☐ 25 Van Ness #700, 94102

Please forward the following documents to the DPA. The documents requested are considered routine under the SFPD-OCC Document Production Protocol, which requires a response to this request within three (3) days. As required by the Protocol this request has been sent concurrently to Police Legal.

- ☐ 12500 Report (SFPD Form 164(a))
- ☐ 1460 Report (SFPD Form 164)
- ☐ Acade training records
- ☐ Affida Termination of Investigation (SFPD Form 470)
- ☐ Airpo ivity logs
- ☐ Antic Watch Report (SFPD Form 22)
- ☐ Arrest ord/Booking Slip (Form 3600-09)
- ☐ Candl Park activity logs
- ☐ Cell Log (SFPD Form 51)
- ☐ Certifi of Release (SFPD Form 184)
- ☐ Citation g book records
- ☐ Citizen rest Form (SFPD Form 80)
- ☐ Citizen Complaint Investigation Memorandum
- ☐ Cold S Admonishment (SFPD Form 466)
- ☒ Correc Watch Report (SFPD Form 117)
- ☐ Court Protective Orders or Emergency Protective Orders
- ☐ DABO eports (post-hearing)
- ☒ Daily A st logs (SFPD Form 307)
- ☐ Demon tion Memorandum (SFPD Form 77)
- ☐ Demon tion squad charts
- ☐ DMV Officer's Statement
- ☐ DMV of Suspension (Form 360 & 360(A))
- ☐ DMV Supplemental to Officer's Statement (Blood/Urine Test Results)
- ☐ DMV Traffic Accident Report Form
- ☐ DMV Verbal Notice by Police Officer
- ☐ Domestic Violence Response Unit Tapes
- ☐ Domestic Violence Supplemental Report forms (SFPD 480a & 480b)
- ☐ Driving Under the Influence Card (SFPD Form 462)
- ☐ Driving Under the Influence Report (SFPD Form 284A-D)
- ☐ Drug Influence Evaluation Report (SFPD Form 26)
- ☐ Drug Influence Evaluation Report (SFPD Form 26A & B)
- ☐ Event operation orders
- ☐ Field Arrest Card
- ☐ Field Interview Card (SFPD Form 114)
- ☐ Firearms Training Roster (SFPD Form 53)
- ☐ Fleet management records
- ☐ Hit and Run Record (SFPD Form 133)
- ☐ Incident Reports (including all supplemental reports)
- ☐ Intoxilizer Model 5000 Checklist (or other models)(SFPD Form 15)
- ☐ Line-up Record (SFPD Form 56)
- ☐ Media footage
- ☐ Medical Screening Form (SFPD Form 54)
- ☐ Mug Shots (criminal history information tracking number to be redacted)
- ☐ Notice of Motor Vehicle Accident (SFPD Form 325)
- ☐ Officer notes (Photocopies only)
- ☐ Officer's Daily Report (Traffic Division)(SFPD Form 106)
- ☐ Overtime and Holiday Watch Report (SFPD Form 238)
- ☐ AT&T Park activity logs
- ☐ Payroll records
- ☐ Permission to Search Form (SFPD Form 468)
- ☐ Photographic Line-up Instructions (SFPD Form 467)
- ☐ PLES (10-B assignment) rosters
- ☐ POST training materials
- ☐ Prisoner Transfer Record (SFPD Form 76)
- ☒ Property logs (from both stations and property control) (SFPD Form 230)
- ☐ Property Receipt Form (SFPD Form 315)
- ☐ Property Release Form (SFPD Form 158)
- ☐ Public Intoxication Report (SFPD Form 89)
- ☐ Ride-along Request and Review (SFPD Form 84)
- ☐ Roll call training logs
- ☐ Secondary Employment Application (SFPD Form 156)
- ☐ SFPD Dismissal Request (SFPD Form 256)
- ☐ SFPD officer photographs
- ☐ SFPD officer weight and height descriptions
- ☒ Station Arrest Logs
- ☐ Strip search authorization form (SFPD Form 305)
- ☐ Traffic Collision Reports (CHP555, 555-03 & 556)
- ☐ Traffic Court Report (SFPD Form 295)
- ☐ Unit Orders
- ☐ Use of force logs (SFPD Form 128)
- ☐ Verification of latent fingerprint request (SFPD Form 235)(not including results)
- ☒ Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474)

Mission Station

DAY WATCH DAILY ASSIGNMENT REPORT

SERGEANTS 0600/1600

Oropeza, Jesse		205	112	7	FTO SP
Nangle, Susan		968	107	1	107
Plantinga, Adam		2367	110	3	H
DOMINGUEZ		2272			DTL

PATROL OFFICERS 06-16

Boyle, David		2086	42a	TF	
Campos, Alejandro	P	143		1	11A
Cathey, John		1090		3	H
Claudio, Antonio		1623		4	H
Disbrow, Brandon	P	4023		4	H
Edgerson, David		714	41a	MT	DTL
Fernandez, Juan		1561		3	H
Gassen, Carolyn		59		7	15A
Hayes, Sterling		1116		1	45A
Holbrook, Bryson	p	708		5	AO
Hutchinson, Chris		795		5	6A
Katz, Alan	P	196		7	AO
Kuchac, Ronald	P	203		3	H
Laokwansathitaya	P	204		7	15A
Martin, Carl	P	4125		1	11A
McIntosh, Paul		2168	41a	TF	41A
Perez, David		4305		5	6A
Turner, Tracy		2466		6	5A
Valenzuela, Eduardo		640	42a	MT	H
Villanueva, Mitchell		1113		7	PE
Wheeler, Robert	F	4361		3	H
Wise, Matt		1477		1	45A
24					

RECRUIT OFFICERS 06-16

Kidd, Andrew	R	4043		3	H
1					

CAPTAIN

Caltagirone, Gaetano		872	300	ss	

LIEUTENANTS 0530-1530

Mannina, Steven		1174	201	2	H
Murphy, Rachel		1716	202	6	2C2

CAPTAIN'S STAFF-SWORN

Sgt. Rob Kaprosch		1289	120	ssm	120
Emanuel, Joseph		2029	67	ssm	67
Medina, Alex		1569	20	ssm	20
Pandolfi, James		699	26	ssm	26
Sutherland, Gregory		2404	66	fss	66
Trapsi, Ernest		1991	22	fss	22

CAPTAIN'S STAFF-CIVILIAN

Chan, Wellington			vm	ss	
Melendez, Mirna			cp	ss	
Hoxie, Donald			fm	ss	

HOMELESS/PARK CAR 04-14

Gonzales, Derrick		4272	50	TF	50
Sands, David		170	50	TF	50
Acosta, Jason		690	51	MT	H
Cortez, Miguel		4262	51	MT	H

HOUSING 11-21

Beaird, Michael		478	74	TF	74
Dudley, Daniel		1497	75	MT	H
Cummins, Patrick	S	4310	75	MT	H
Mayo, Michael		2308	74	TF	74
Masilang, Vincent	S	1344	74	TF	74
Rice, Justin	F	4353	75	MT	H
6					

School Cars 07-17

Burks, Todd		4066	28	ssm	28
Lockett, Donald		2381	29	fss	29
2					

S.I.T. Day Shift

Canning, Chrostopher		269	205	ss	
Mitchell, Michael		4160	52D	TF	
Medina, Chandra		2033	56D	TF	
Chou, James		2257	57D	MT	
Ortiz, Luis		1029	24	fss	H
Rock, Brandon		2392	23	fss	H

SERGEANTS 1100/2100

Aloise, Jeffrey	F	1303	170	2	H
Mendiola, Joseph		1975	140	6	140

PATROL OFFICERS 11-21

Aiello, Mark		664		7	14C
Battle, Pernisha		2204		1	PE
Brooks, Corey		2209		3	H
Brown, Gordon	P	265		3	H
Burns, Daniel	FS	135		5	VA
Clendenen, Robert		865	44C	1	14C
Condon, Patrick	P	273		1	44C
Cubas, Isaias	P	274		4	H
Dixon, Rosa	P	4026		5	44C
Flannery, Declan	F	891		4	H
Gardner, John	P	671		5	74C
Heidebrecht, Casi	P	185	14c	4	H
Holland, Mark		4372	14c	4	H
Lewis, Brittany		1290		1	13C
Loo, Gary	P	1912		1	13C
Lujano, Paul Left Early 3/7		866	44C	5	H
Rose, Nicholas	F	2395		7	15C
Vidulich, John	P	260		3	H
Wang, Eric	FS	4095		7	11C
Rock, Brandon		2392		7	AO
22					

RECRUIT OFFICERS 11-21

Strickland, Christ	R	874		7	11C
Augugliaro, Micha	R	1147		4	H
Foley, Kevin	R	1190		5	15C
Tien, Alberto	R	405		7	15C

PSA'S 06-16

Rendon, Catia		4807	sd	TFS	5D
Olson, Rosemarie		4872	sd	SMT	H

Details & Special Events:

2

1

entered in HRMS ☑

F -FTO, P -Probationary, R -Rat Trained, S -Specialist

PC #N/A SQUADS

DAY	DATE	WATCH OFF GROUPS			
Tuesday	03/06/18		2	3	4

SFDPA - 0097-18 - 002014

Mission Station

NIGHT WATCH DAILY ASSIGNMENT REPORT

LIEUTENANTS 1500 - 0100

Del Gandio, Christophe		234	203	2	H
Banta, Ronald		2251	204	6	204

SERGEANTS 1500 - 0100

Johnson, Thomas		603	103	3	H
Montoya, Anthony	F	1522	100	7	DET
Paul, Flint		648	108	5	108
Petuya, Mike	F	1712	118	4	H
Russell, Josey	F	1030	114	1	114

SERGEANTS 2100 - 0700

Barcena, Oscar		1715	106	7	106
Caldera, Leonard	F	498	113	1	113/SK
Edwards, Scott		541	102	4	H
Perez, George		739	105	3	H
Shugars, Michael	F	1747	104	5	109

PATROL OFFICERS 1600 - 0200

Aylworth, Joel	F	480	41D	MT	H
Banegas, Milen	F	963		1	110
Busalacchi, Frank	S	1430		3	H
Carroll, Corbyn		987		7	140
Castaneda, Dolores		2111		3	H
Chiu, Lauren		1306		5	15D
Clinton, Curtis	P	2710		4	H
Connell, Mikayla		433		3	H
DeBellis, Gina	P	276		3	H
Denning, Travis		1588		4	H
Diedrick, Kyle		1039	13D	7	PE
Garcia, Irving		1810		2	H
Gomez, Anthony		1436		4	H
Gustilo, Juan	P	1469		5	15D
Hansen, Gared		2095		1	37
Hanson, Reilly		1613	13D	7	PE
Jisrawi, Malek		1571	41D	MT	AT
Kerrigan, Robert		28		5	37
Lee, Raymond	S	469		7	13D
McCarter, Hava		4187		4	H
Nagai, Nicholas		2017	41d	TF	41D
Peraza, Nathalie		2064		3	H
Santana, Bryan		2097	41D	TF	41D
Smets, Colby	P	253		1	13D
Smith-Russack, Ari	P	4152		6	14D
Sutton, Garth		2446	SK	2	H
Van Zandt, Peter	P	4142		7	OH
Zasly, Laura		1239		1	SK/CW

NO MORE OFF

28

SIT SERGEANTS 1600-0200

Benzinger, Stephen		356	54D	MT	
Ferraez, George		91	55D	MT	
Pena, Nicolas		2361	53D	TF	
			59D	TF	

RECRUIT OFFICERS 1600 - 0200

Andaluz, Matthew		1851		1	110
Ferrari, Dean		335		MT	H
O'Malley, Eugene		317		4	H

3

RECRUIT OFFICERS 2100-0700

Bohannon, Caleb		4005		6	91
Dequis, Joshua		334		5	15E
Lara, Kevin		367		3	H
Wynkoop, Christopher		608		6	91

4

PSA 1400-2400

Solis, Sophia		4886		SMT	H
Struckman, Suzanne		4854		TFS	SD

PSA 2100-0700

Cruz, Nael		4839		SMT	H
Macias, Daniel		4896		TFS	SD

PATROL OFFICERS 2100 - 0700

Anderson, Thomas		865		3	H
Balingit, Antonio		1480	SK	3	H
Burrows, Annie		1510	91	1	SK/CW
Cassinelli, Stephen		1104		7	13E
Castaneda, Gustavo		451	15E	4	H
Champlin, Ryan	P	145		1	11E
Chan, Navin		1013		4	H
Cody, Sean		1375		1	2E
Foote, Gregory		740		3	H
Garcia, Marco		1788	SK	5	SK
Gilman, David	F	483		3	H
Grey, John		1017		7	FNA
Griffin, Glennon	F	1502		6	13DMH
Hallisy, James	P	1096		4	H
Ishida, John	F	2035		6	91
Joseph, Zeyad	P	1330		5	SP
Kajasa, Sanja		2058	91	1	11E
Kundert, Gavin	P+	586		3	H
O'Rourke, Sean		2214	14E	1	14E
Ramoso, Armann		658	15E	4	H
Roman, Bayardo	F	2373		5	15E
Rotschi, Michael		1514	14E	1	14E
Sandoval. Adam		1499		4	H
Tupper, Josuha	P	4115		5	13E
Wilkom, Robby	S	4172		7	OFF
Wilson, Glen	F	627		5	DET

26

DETAILS/SPECIAL EVENTS:

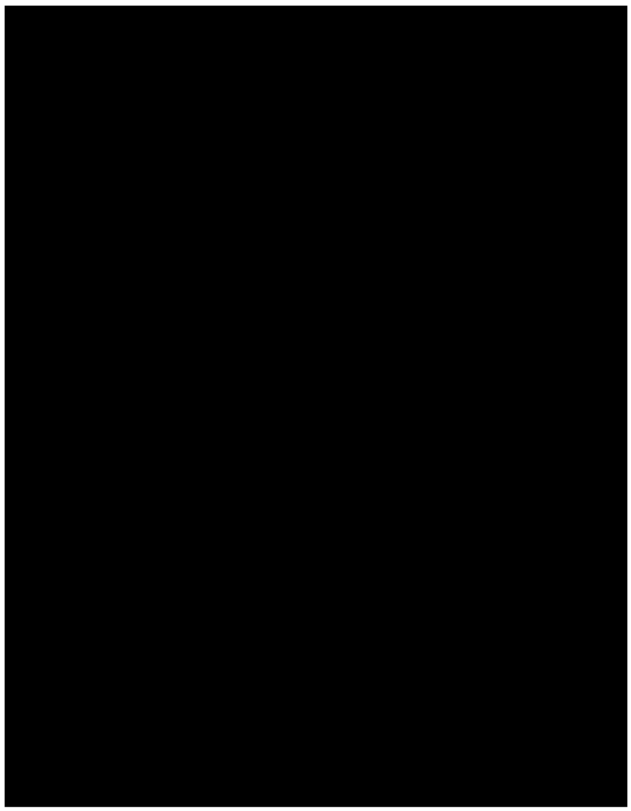
entered in HRMS ☐

☐

DAY	DATE	WATCH OFF GROUPS			
Tuesday	03/06/18		2	3	4

SFDPA - 0097-18 - 002015

SAN FRANCISCO
POLICE DEPARTMENT
PHOTO ID



NAME: [redacted]

AKA: ,

AKA: ,

MONIKER:

SF#: [redacted]

JAIL #: [redacted]

BOOKING DATE: 03-07-2018

DATE OF BIRTH: [redacted]

PLACE OF BIRTH: CALIFORNIA USA

SOCIAL SECURITY #:

CII#: [redacted]

CA DRIVERS LIC #:

PHYSICAL DESCRIPTION

SEX: FEMALE

RACE: HISPANIC

HEIGHT: [redacted]

WEIGHT: [redacted]

EYE COLOR: [redacted]

HAIR COLOR:

GLASSES:

BUILD:

COMPLEXION:

EYE CHARACTERISTICS:

FACIAL HAIR: [redacted]

HAIR LENGTH:

SCARS/MARKS/TATTOOS

#1.:

#2.:

#3.:

THIS IS A CERTIFIED AND CONTROLLED DOCUMENT COPY OF THE ORIGINAL SAN FRANCISCO POLICE DEPARTMENT DOCUMENT ON FILE. DUPLICATION OR REISSUANCE CONTROLLED BY LAW.

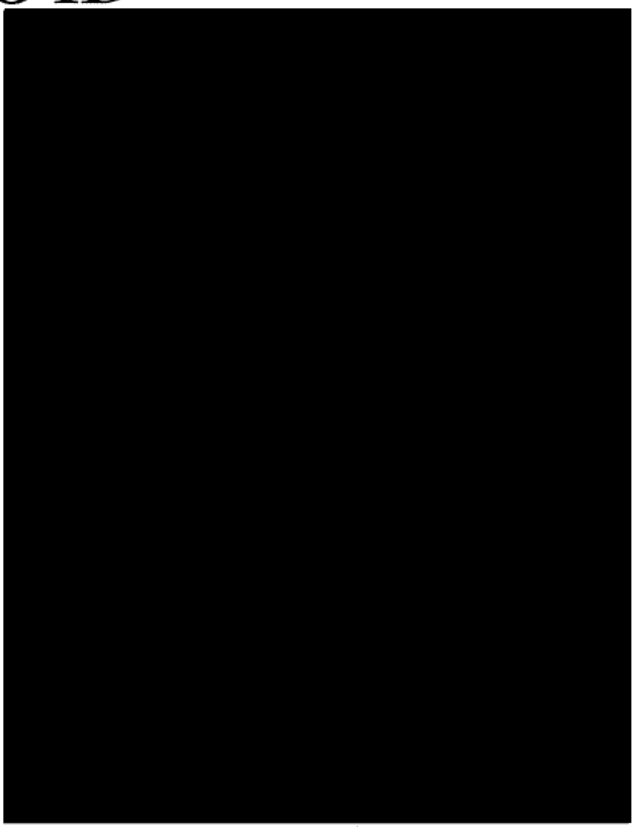
RELEASED TO: [redacted]

BY: [redacted] DATE: 3/21/18

SAN FRANCISCO POLICE DEPARTMENT • FORENSIC SERVICES DIVISION • IDENTIFICATION SECTION

850 BRYANT STREET, SUITE 475 • SAN FRANCISCO • CALIFORNIA 94103

SAN FRANCISCO
POLICE DEPARTMENT
PHOTO ID



NAME: [redacted]

AKA: [redacted]

AKA: ,

MONIKER:

SF#: [redacted]

JAIL #: [redacted]

BOOKING DATE: 03-07-2018

DATE OF BIRTH: [redacted]

PLACE OF BIRTH: CALIFORNIA USA

SOCIAL SECURITY #:

CII#: [redacted]

CA DRIVERS LIC #: [redacted]

PHYSICAL DESCRIPTION

SEX: [redacted]

RACE:

HEIGHT:

WEIGHT:

EYE COLOR:

HAIR COLOR:

GLASSES:

BUILD:

COMPLEXION:

EYE CHARACTERISTICS:

FACIAL HAIR: NONE

HAIR LENGTH: SHOULDER

THIS IS A CERTIFIED AND CONTROLLED DOCUMENT COPY OF THE ORIGINAL SAN FRANCISCO POLICE DEPARTMENT DOCUMENT ON FILE. DUPLICATION OR REISSUANCE CONTROLLED BY LAW.

RELEA[redacted] Carpenter

BY: [redacted] DATE: 3/21/18

SAN FRANCISCO POLICE DEPARTMENT • FORENSIC SERVICES DIVISION • IDENTIFICATION SECTION

850 BRYANT STREET, SUITE 475 • SAN FRANCISCO • CALIFORNIA 94103

SCARS/MARKS/TATTOOS

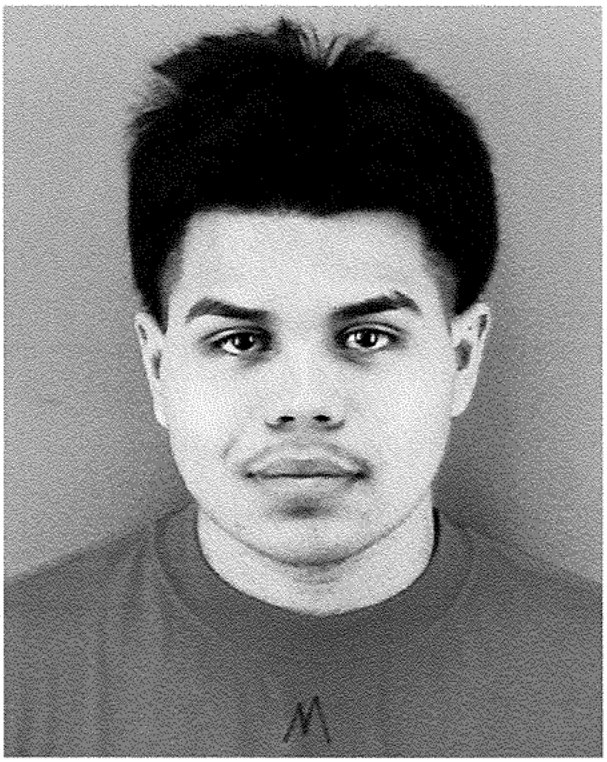
#1.:

#2.:

#3.:

SAN FRANCISCO
POLICE DEPARTMENT
PHOTO ID

NAME:	JESUS A DELGADO-DUARTE
AKA:	,
AKA:	,
MONIKER:	
SF#:	[redacted]
JAIL #:	[redacted]
BOOKING DATE:	[redacted]
DATE OF BIRTH:	12-25-1998
PLACE OF BIRTH:	
SOCIAL SECURITY #:	
CII#:	
CA DRIVERS LIC #:	



PHYSICAL DESCRIPTION

SEX:	MALE
RACE:	HISPANIC
HEIGHT:	5'05"
WEIGHT:	145
EYE COLOR:	BROWN
HAIR COLOR:	BLACK
GLASSES:	No
BUILD:	MEDIUM
COMPLEXION:	CLEAR
EYE CHARACTERISTICS:	
FACIAL HAIR:	MUSTACHE ONLY
HAIR LENGTH:	ABOVE EARS

SCARS/MARKS/TATTOOS

#1.:

#2.:

#3.:

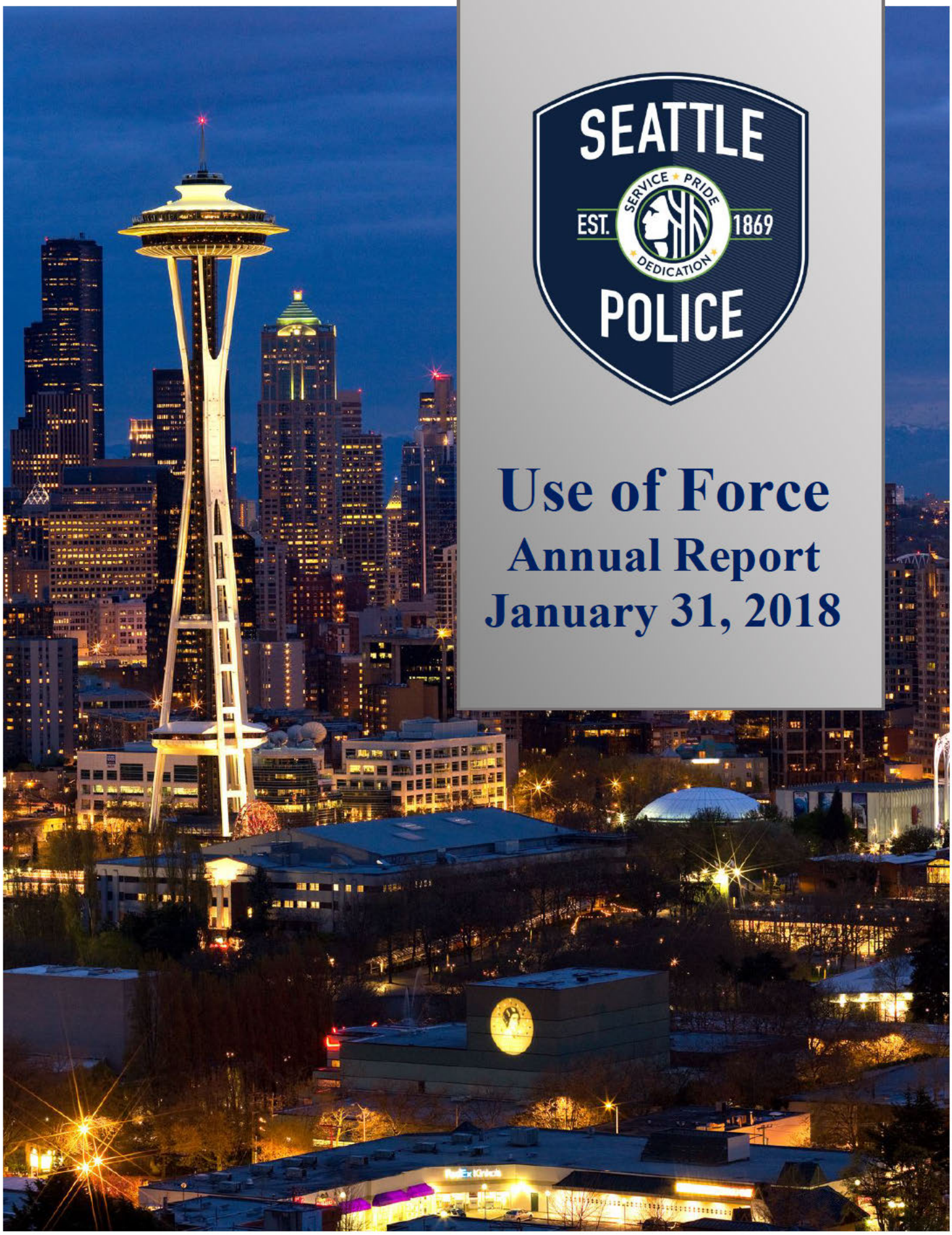
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RELEASED TO: [redacted] DATE: 3/21/18

BY: [redacted]

SAN FRANCISCO POLICE DEPARTMENT • FORENSIC SERVICES DIVISION • IDENTIFICATION SECTION

850 BRYANT STREET, SUITE 475 • SAN FRANCISCO • CALIFORNIA 94103



Use of Force
Annual Report
January 31, 2018

OVERVIEW

What is in this report?

Last year's inaugural Annual Use of Force Report examined the use of force by Seattle police officers over a 25-month period, between July 1, 2014, and August 31, 2016 – a study period selected to control for the learning curves associated both with new reporting and review policies that were published in January 2014 and with new reporting and tracking software that was implemented in March 2014. This report builds on last year's report and presents both a quantitative and qualitative discussion of use of force incidents occurring between January 1 and December 31, 2017.

Utilizing the advanced analytical capability available through the Data Analytics Platform (DAP), Section I of this report presents aggregate statistics regarding use of force events and applications, filtered across precincts, subject demographics, call types, and other discrete measures. Key among the findings, consistent with last year's report, was that the use of force overall remains extraordinarily low; ***over the time period examined here officers reported using force of any level at a rate of less than one fifth of one percent (0.18%) of all dispatches to nearly 400,000 unique events – and of these uses of force, the overwhelming majority (approximately 77%) involved no greater than the lowest level of reportable force (such as minor complaints of transient pain with no objective signs of injury, or the pointing of a firearm). Further, serious levels of force – force that causes or may be reasonably expected to cause substantial bodily injury – was used in only 16 (0.004%) of these nearly 400,000 events.*** In short, while each application of force is separately investigated and reviewed, overall the use of force by Seattle police officers continues to be an empirically rare occurrence. This finding shows that that officers continue to implement, in practice, the de-escalation training and tactics that have earned Seattle national acclaim, while maintaining a high level of engaged, proactive law enforcement activity.

Section II provides an overview of the Force Investigation Team (FIT) – a specialized unit comprising experienced detectives, sergeants, and commanders that responds to and investigates all serious force incidents – and briefly describes each of the 26 separate events to which FIT responded during 2017. The Department also reports in this Section on case assessments by the Force Review Unit (FRU) and the Force Review Board (FRB) during 2017, which provide an additional layer of review with respect to officer use of force and chain of command review of force, ensuring that force applied by Seattle police officers is consistent with the mandates of Department policy. Additionally, as a forum for reviewing policies, training, tactics and equipment, the FRB provides the opportunity for experience and review to continually drive Department operations and practices. These processes help to ensure that the department is policing the community it serves effectively and constitutionally through self-regulation.

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What if this report doesn't answer my questions?

As one of the original 21 jurisdictions participating in the Police Data Initiative, launched in response to recommendations from President Obama's Task Force on 21st Century Policing (and now managed by the Police Foundation in Washington, D.C.), the Seattle Police Department committed to publishing its use of force data, including data concerning officer-involved shootings, to help communities gain greater visibility into key information on police/civilian interactions. Fulfilling and building upon that commitment, the Department continues to release to the City's open data portal, *data.seattle.gov*, the use of force data described in Section I of this report, and has added to its newly-redesigned website interactive dashboards through which the public can explore for itself officers' use of force, parsed across demographic and geographic fields. The Department cautions of the inherent hazard that data can be subject to differing interpretations and lead to differing conclusions depending on the sophistication of the analysis and the potential for confirmation bias; SPD provides this data with the hope that, as new technology has created opportunity for increasingly sophisticated inquiries internally, providing greater transparency of its data externally creates greater opportunity for SPD and the community to work collaboratively to drive the policies and priorities of this department.

SECTION I: USE OF FORCE

A. Policies and Overview of Force

The Seattle Police Department's Use of Force polices are published, collectively, as Title 8 of the SPD Manual. Policy sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, OC spray, and vehicle-related force tactics. Section 8.400 prescribes protocols for the reporting and investigation of force; section 8.500 sets forth the process for review of force.

Force is classified and reviewed according to level of severity, described as below:

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De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury. Examples including using hands or equipment to stop, push back, separate or escort, the use of compliance holds without sufficient force to cause pain, and unresisted handcuffing. Officers are not required to report or investigate this level of force.

Type I – Actions which "causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun." This is the most frequently reported level of force. Examples of Type I force, generally used to control a person who is resisting an officer's lawful commands, include "soft takedowns" (controlled placement), strike with sufficient force to cause pain or complaint of pain, or an open hand technique with sufficient force to cause complaint of pain. Type I uses of force are screened by a sergeant and reviewed by the Force Review Unit.

Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Examples include a hard take-down or and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, beanbag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, vehicle, and hobble restraint. An on-scene (where feasible) sergeant collects available video evidence and witness statements; the evidence packet and analysis of the force is reviewed by the Chain of Command and the Force Review Unit. Cases flagged by the Force Review Unit for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases are also analyzed by the Force Review Board.

Type III – Force that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team, and analyzed by the Force Review Board.

At any point during an investigation where a witness officer or any reviewer has reason to believe that the force is out of policy, that individual has an affirmative obligation to report the concern to the Office of Professional Accountability. The FRB votes as to whether force is within policy; individual members may, but are not mandated to, refer out of policy force to OPA.

B. Quantitative Overview of Use Force

The Seattle Police Department documents force at three levels. Most broadly, use of force at the incident level (generally but not always associated with a specific CAD event) may involve multiple officers and/or multiple subjects, each of whom may be documented as either involved in or witness to the use of force. At the individual officer level, force is documented and recorded as the combination of a force incident, a unique officer, and a unique subject; accordingly,

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depending on how many officers used force during an incident, a single use of force incident may be associated with multiple uses of force reports. The most granular level of documentation occurs at the use of force application level, at which the involved officer documents *each* reportable application of force; a single use of force may thus include multiple applications of force. For example, if in the course of one incident, Officer A pointed a firearm, Officers B and C used a hard-takedown maneuver to bring a subject under control, following which Officer A handcuffed the subject, who then complained of pain, the incident would be documented as one incident, involving three uses of force, comprising four applications of force, two of which (the pointing of a firearm and subsequent handcuffing by Officer A) would be classified as Type I, and two of which (the hard take-down by Officers B and C) would be classified as Type II. Because force is reviewed at the level commensurate with the highest level of force used, the incident would be reviewed as a Type II incident. For purposes of this report, force is discussed at the officer report level – i.e., the combination of a unique officer, unique subject, and unique incident, and reported at the highest level of force used by a given officer.

Between January 1 and December 31, 2017, the Seattle Police Department dispatched officers to calls **891,740** times in response to **398,459** unique events.

> **Note:** Dispatch counts reflect the number of officers responding to a unique event, as captured in the Department's Computer Aided Dispatch (CAD) data.

Over this same time period, officers reported using force at some level (Type I, II, or III) **1,578** times. Of these, **1,372** are associated with **845** unique CAD events.[1]

Viewed in the context of overall activity, this means that less than less than one-quarter of one percent (0.21%) of unique events, and less than one-fifth of one percent (0.18%) all officer dispatches, resulted in any use of force.

[1] The higher number (1,578) reflects the number of individual force reports in the system – which includes 206 reports that were not associated with a particular dispatched event. Within the data set relating to CAD events, there are events that are clear outliers in terms of the amount of force reported. For example, one CAD event (an August 2017 demonstration during which pepper spray and blast balls were used to separate two clashing groups of protesters) is associated with 20 separate Type II uses of force.

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1. Use of Force by Level of Force

Figure 1: Force Counts by Year (January 1 – December 31, 2017)

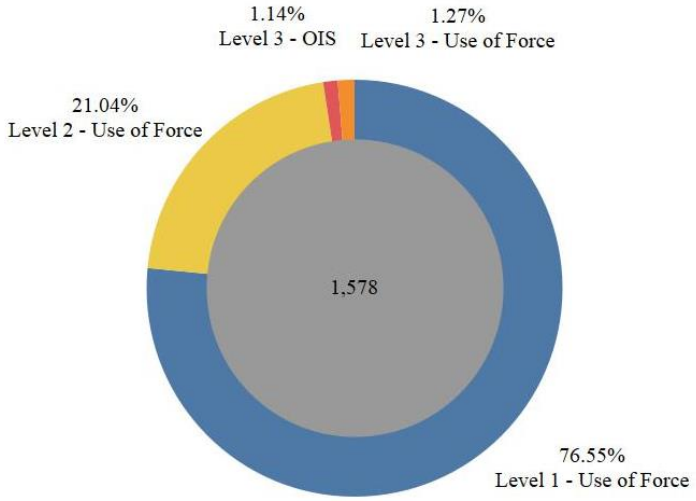


Figure 1 shows the breakdown of use of force, by type, over the calendar year reported. Of the 1,578 uses of force reported during 2017, ***1,288 (nearly 77%)*** involved no greater than low-level, Type I force.[2]

Another 38 (approximately 2.4%) of these 1,578 reports were of Type III force, across 16 incidents, involving 18 subjects. Of these 16 incidents, six were officer-involved shootings, involving eight subjects and 17 SPD officers;[3] three of these incidents were fatal. Another five were associated with an in-custody death that did not involve significant force, is not believed to be caused by a use of force, but was, per policy, investigated as a Type III incident and is thus included in the Type III statistics. *See Section II for details*.

Viewed in the context of overall activity, this means that 0.004% of all events to which Seattle Police Officers were called to respond in 2017 ultimately involved a serious use of force.

Type II use of force (n=332) comprised slightly more than one-fifth (21%) of force overall.

The quantitative component of last year's report covered a 25-month data period beginning July 1, 2014 – a date selected to account for "noise" attributable to a sixth-month period following the publication of SPD's new use of force/force reporting and review policies (SPD Manual Section Title 8) and the point at which all officers had been fully trained as to those policies. For

[2] Approximately 50% of Type I use of force involved a complaint of pain, with no objective sign of injury.

[3] One incident involved a State Department of Corrections officer as well; per policy, that use of force is documented as part of the force reporting and review of the incident. Officer-involved shootings are discussed in more detail later in this report; in addition, comprehensive information concerning officer-involved shootings over the past ten years can be explored through the Department's public-facing OIS dashboard.

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purposes of showing trends over time, Table 1 shows all use of force reported between January 1, 2014 and December 31, 2017.

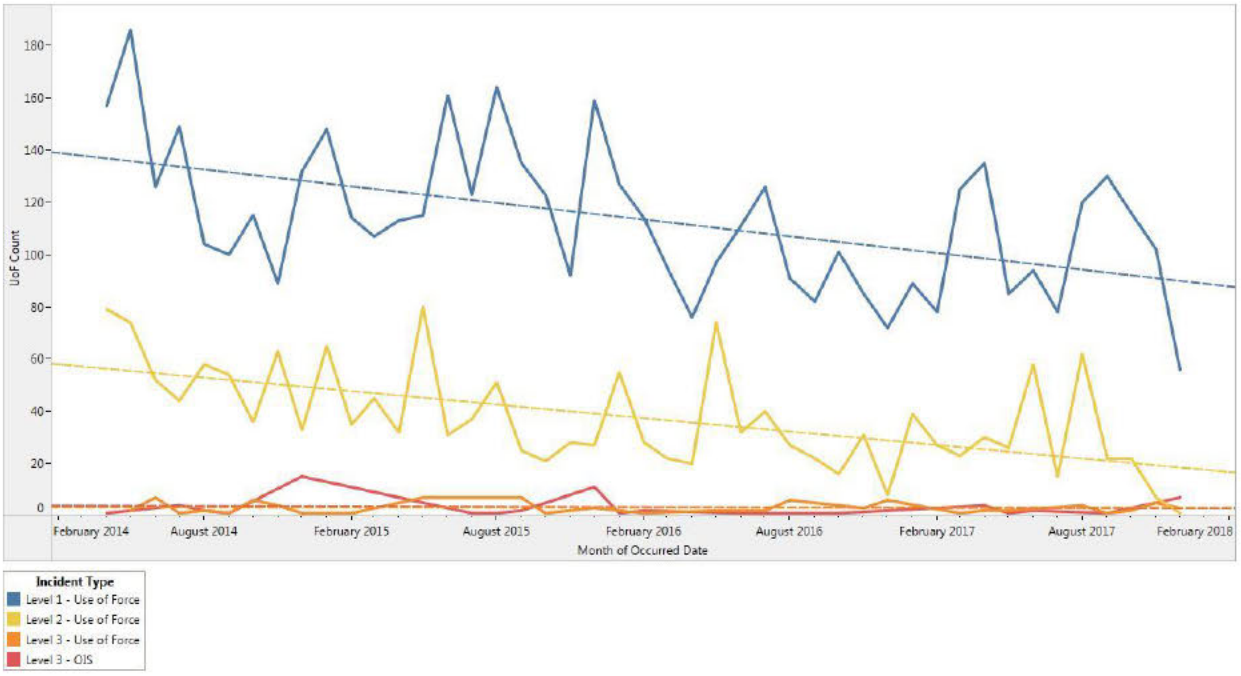
Table 1: Force Counts by Year (January 1, 2014 – December 31, 2017)

Incident Type	2014	2015	2016	2017	Grand Total
Level 1 - Use of Force	1,159	1,554	1,177	1,208	**5,098**
Level 2 - Use of Force	502	477	375	332	**1,686**
Level 3 - Use of Force	24	20	20	20	**84**
Level 3 - OIS	23	15	5	18	**61**
Grand Total	**1,708**	**2,066**	**1,577**	**1,578**	**6,929**

Note: One OIS involved three different subjects, all in one vehicle; because use of force is measured as an algorithm of unique incident/officer/subject, each different combination of factors is considered as a separate use of force. For that reason, the number 18 is higher than the number of officers using force who were dispatched across all incidents, as is shown in Table 3.

A linear regression time series analysis of this four-year period, ***indicating continued, significant declining trends in Type I and Type II use of force***, citywide, is shown in Figure 2.

Figure 2: Use of Force Trends Citywide



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Type I force continued to decline significantly, with small, bordering on medium, effect.[4] Type II force was observed to decline significantly, with medium effect.[5] Type III force, which occurs so infrequently as to be considered a statistically random event, accordingly showed no significant trends across the time series.

One particular subcategory of force within Type I use of force should be noted. SPD Policy (8.300) provides that officers may exhibit a firearm in the line of duty when an officer has reasonable cause to believe that it may be necessary for his or her own safety or for the safety of others. In certain high-risk responses (*e.g.*, felony vehicle stops, building searches, warrant arrests of known violent felons, reports of armed individuals, etc.), it is expected that officers will routinely display a weapon. Officers are required to document all incident where they point a firearm at a person as a Type I use of force (Manual Section 8.400). Unholstering or displaying a firearm in a low-ready or *sul* (pointed towards the ground, indexed to the chest) position is not reportable force.

Over the 12 months reported here, nearly a quarter (n=388, or 24.5%) of the 1,578 uses of force overall, and nearly one-third (32%) of the 1,208 Type I reports, involved the pointing of a firearm.

2. Use of Force by Administrative Assignment

Table 2 shows the distribution of force by type and bureau of involved officers' administrative assignment. The majority (80%) of uses of force were reported within the Patrol Operations Bureau, which is primarily responsible for beat patrols and 911 responses. Slightly less than nine percent of uses of force were reported within the Professional Standards Bureau (a number that is attributable to the fact that the Professional Standards Bureau oversees Field Training, which is the unit to which student officers on patrol are administratively assigned). Officers from all bureaus are assigned to crowd management and special events.

Table 2: Distribution of Use of Force by Type and Bureau

	OPERATIONS BUREAU	COMPLIANCE AND PROFESSIONAL STANDARDS BUREAU	SPECIAL OPERATIONS BUREAU	INVESTIGATIONS BUREAU	**Grand Total**
Level 1 - Use of Force	61.17%	7.61%	5.90%	1.90%	**76.59%**
Level 2 - Use of Force	17.20%	0.89%	2.73%	0.19%	**21.00%**
Level 3 - Use of Force	1.08%	0.19%			**1.27%**
Level 3 - OIS	0.95%	0.06%	0.06%	0.06%	**1.14%**
Grand Total	**80.39%**	**8.76%**	**8.69%**	**2.16%**	**100.00%**

****Does not include "Null" Bureaus (.06% Type 2, .06% Type 2)**

[4] $p = .0004$, $r^2 = .25$

[5] $p < .0001$, $r^2 = .33$

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3. Use of Force by Subject Demographics

In discussing disparity in the demographic distribution of subjects involved in any study of law enforcement activity, one important note bears emphasizing. As is reflected in statistics nationwide, racial disparity is of significant ongoing concern, and is an important issue that requires continued discussion and analysis within the limited role of law enforcement but also beyond. In the present state of sociological and criminal justice research, there is no proven, reliable methodology for accounting for all the multitude of recognized factors that may combine to result in a disparity within the metric measured – including those critical factors upstream (education, socioeconomic status, family structure, etc.) of police involvement that may contribute to the likelihood a person will come into contact with police. ***In other words, while numbers can identify a disparity, they cannot explain the disparity.*** The Department is proud that in addition to its many research agreements with academic institutions around the country (including the University of Virginia and Harvard, Princeton, Northwestern and George Mason Universities), and the world (including University of Tel Aviv in Israel), the Department continues to maintain close research partnerships with Seattle University and the University of Washington – the latter with specific respect to exploring possible effects of implicit bias in police. In addition, the Department continues to partner closely with the Institute on Race and Justice at Northeastern University in Boston, MA. ***All these strategic partnerships are focused on better understanding the causes and remedies for observed disparity across law enforcement metrics.***

With respect to the Department's 2017 data, subjects of force were overwhelmingly male, comprising 77% of the reported 1,578 uses of force. White and Black/African American subjects accounted for approximately equivalent proportions of force overall. Figure 3 shows the distribution of force subjects by race and gender; Figure 4 shows the distribution of force subjects by race for each of Type I and Type II force.

Of the 18 subjects involved in 16 Type III incidents, discussed individually in Section II, seven were White males; four were Black males; Native American males and Black females accounted for two each; and a White female and a Native American female accounted for one each. One female subject of unknown race and unknown age, who was observed in a vehicle that fled from police and has not been located, accounted for another.

Of the eight subjects involved in Officer-Involved Shootings, four were White males (one fatal, three non-fatal); one was a Black male (fatal); one was a White female (non-fatal); one was a Black female (fatal); and one was a female of unknown race or age (non-fatal).

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Figure 3: Subject Gender and Race

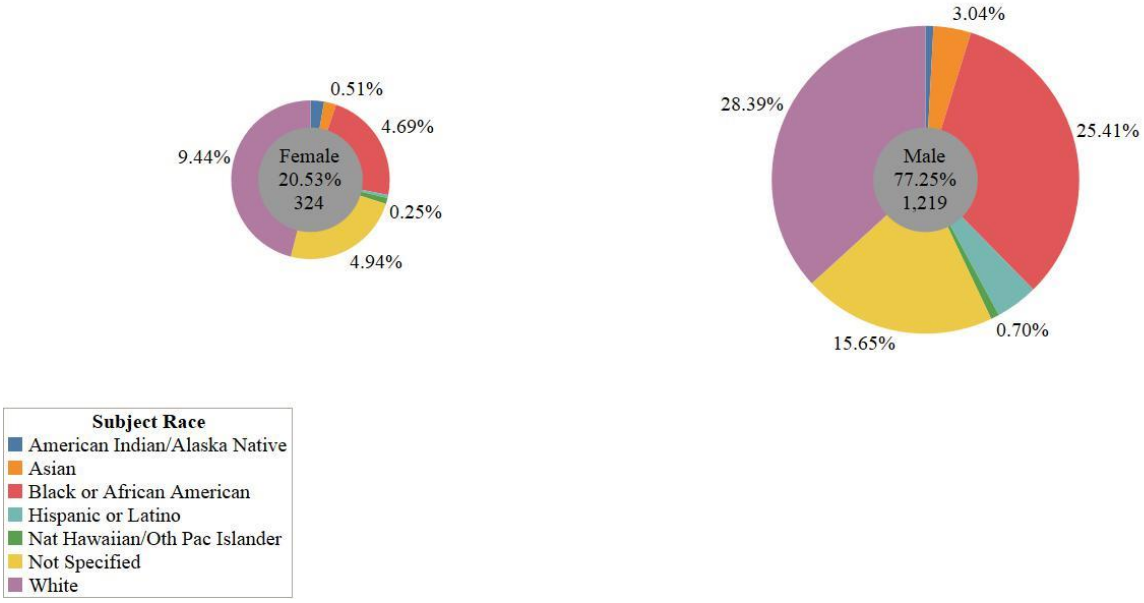
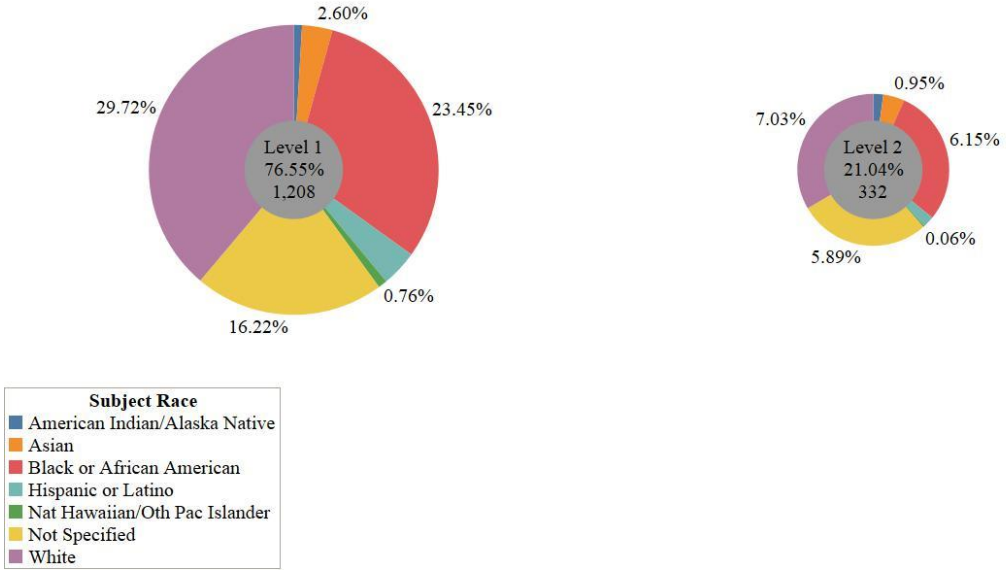


Figure 4: Subject Race by Force Type



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4. Use of Force by Dispatch Type and Priority

Officers are logged to calls either by a dispatcher (e.g., in response to a 911 call) or by on-viewing an incident (observing an incident while on patrol) and responding. Of the 1,372 CAD events that could be linked to a use of force in 2017, most (72%) were calls in which the officer was dispatched in response to a call for service from the public. A breakdown of use of force, by type, distinguished between dispatches and on-views, is presented in Table 3.[6]

Table 3: Force used by Dispatch Type

	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	**Grand Total**
DISPATCH	56.44% 771	13.47% 184	0.81% 11	1.17% 16	**71.89%** **982**
ONVIEW	21.45% 293	6.08% 83	0.59% 8		**28.11%** **384**
Grand Total	**77.89%** **1,064**	**19.55%** **267**	**1.39%** **19**	**1.17%** **16**	**100.00%** **1,366**

The reasonableness of force, both in law (*see*, e.g., *Graham v. Connor*, 490 U.S. 386 (1989)) and in policy (*see* SPD Manual Section 8.000(4)) is based in part on the totality of the circumstances known to the officer at the time the force used, and considered from the perspective of the reasonable officer on the scene, rather than with 20/20 hindsight and the benefit of additional information. In that regard, call type and priority can be considered to some degree as *a priori* knowledge of the circumstances to which an officer is responding.

Calls for service, whether dispatched or officer-initiated, are assigned a priority, based on the immediacy of the need. Priority 1 calls are incidents that require an immediate response, including incidents that involve obvious immediate danger to the life of a citizen or an officer. Priority 2 calls are noted as urgent, or incidents which if not policed quickly could develop into a more serious issue (such as a threat of violence, injury, or damage). Priority 3 calls are investigations or minor incidents where response time is not critical to public safety. Priority 4 calls involve nuisance complaints, such as fireworks or loud music. Priority 7 calls are officer-

[6] One OIS involved a task force operation outside of the City of Seattle to which an SPD task force officer responded, but was not dispatched through CAD. Per policy, as this incident involved an SPD officer, it was investigated by FIT, is included in SPD's use of force data, and is discussed in Section II of this report, but as this was not an SPD call, is not captured in dispatch data.

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initiated events, such as traffic stops; Priority 9 is used to indicate administrative tasks or downtime. As would be expected, across force levels, the highest frequency of force occurred in connection with Priority 1 calls. A breakdown of force, by level, and call priority is presented in Table 4.

Table 4: Levels of Force by Call Priority

	1	2	3	4	7	9	Grand Total
Level 1 - Use of Force	34.11%	24.89%	11.13%	0.29%	7.10%	0.37%	**77.89%**
Level 2 - Use of Force	7.83%	5.12%	3.59%		2.42%	0.59%	**19.55%**
Level 3 - Use of Force	0.15%	0.88%			0.37%		**1.39%**
Level 3 - OIS	1.02%		0.15%				**1.17%**
Grand Total	**43.12%**	**30.89%**	**14.86%**	**0.29%**	**9.88%**	**0.95%**	**100.00%**

When an incident is created by Communications, whether initiated in response to a 911 call for service or called in by an officer on-scene, the incident is assigned an initial call type based on information that is reported at the outset. Table 5 sets forth the 25 initial call types that were associated with the majority (nearly three-quarters) of uses of Type I and Type II force. (Again, because Type III uses of force are statistically random events, they are excluded from this analysis).

Table 5: Initial Call Type by Resulting Level of Use of Force

	Level 1 - Use of Force	Level 2 - Use of Force	Grand Total
DISTURBANCE, MISCELLANEOUS/OTHER	7.42%	13.86%	**8.49%**
DIST - IP/JO - DV DIST - NO ASLT	5.36%	6.37%	**5.42%**
SUSPICIOUS STOP - OFFICER INITIATED ONVIEW	4.32%	8.99%	**5.27%**
ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	4.51%	7.12%	**4.90%**
AUTO RECOVERY	5.45%	2.25%	**4.69%**
FIGHT - IP - PHYSICAL (NO WEAPONS)	3.95%	5.62%	**4.17%**
WEAPN-IP/JO-GUN,DEADLY WPN (NO THRT/ASLT/DIST)	4.70%	0.37%	**3.95%**
ASLT - IP/JO - DV	4.23%	2.25%	**3.73%**
SUSPICIOUS PERSON, VEHICLE OR INCIDENT	2.26%	7.49%	**3.59%**
TRAFFIC STOP - OFFICER INITIATED ONVIEW	3.67%	2.25%	**3.51%**
NARCOTICS - VIOLATIONS (LOITER, USE, SELL, NARS)	3.95%	1.87%	**3.44%**
ROBBERY - IP/JO (INCLUDES STRONG ARM)	2.54%	3.75%	**2.93%**
TRESPASS	3.10%	1.87%	**2.93%**
ASLT - IP/JO - PERSON SHOT OR SHOT AT	3.20%	0.37%	**2.71%**
PERSON IN BEHAVIORAL/EMOTIONAL CRISIS	1.88%	2.25%	**1.90%**
THREATS (INCLS IN-PERSON/BY PHONE/IN WRITING)	1.41%	0.75%	**1.90%**
DIST - DV - NO ASLT	1.88%	1.50%	**1.76%**
BURG - IP/JO - RES (INCL UNOCC STRUCTURES)	1.22%	3.00%	**1.54%**
SHOPLIFT - THEFT	1.41%	2.25%	**1.54%**
SHOTS - IP/JO - INCLUDES HEARD/NO ASSAULT	1.50%	1.50%	**1.54%**
SUICIDE - IP/JO SUICIDAL PERSON AND ATTEMPTS	1.22%	2.25%	**1.39%**
THEFT (DOES NOT INCLUDE SHOPLIFT OR SVCS)	1.50%	1.12%	**1.39%**
WARRANT - FELONY PICKUP	1.50%	0.75%	**1.39%**
All Other (<1%)	27.82%	20.22%	**25.92%**
Grand Total	**100.00%**	**100.00%**	**100.00%**

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Of the initial call types of those events that were subsequently associated with a use of force, the largest proportion, comprising 8.49% of all incidents, were classified as "Disturbance, Miscellaneous/Other." The remaining four of the top five call types, representing nearly 29% of all incidents associated with a use of force, were initially classified as either Domestic Violence (DV) related, "Officer Initiated…" (on-viewed) suspicious behavior, Assault In Progress (IP) or Just Occurred (JO), and recovery of a stolen vehicle (auto recovery).

In contrast, the lowest frequency of initial call types for incidents involving a use of force (28%) comprised 68 separate call types, each associated with less than one percent of the total use of force during the study period.

Calls are assigned a final call type that is based on information gathered during the call and response and standards for federal crime reporting. As shown in Table 6, comparing the final disposition type (on the horizontal axis) with the initial call type (on the vertical axis), nearly half (45.27%) of the top five initial call types resolved as Assault, Other; the next highest proportion resolved as Domestic Violence – Mandatory Arrest (34.83%).

Table 6: Crosstab Comparing Initial and Final Call Types of Incidents Involving Force

	--ASSAULTS, OTHER	--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	--CRISIS COMPLAINT - GENERAL	--NARCOTICS - OTHER	--WARRANT SERVICES - FELONY	**Grand Total**
DISTURBANCE, MISCELLANEOUS/OTHER	14.93%	5.47%	8.96%	1.99%	1.00%	**32.34%**
DIST - IP/JO - DV DIST - NO ASLT	2.49%	24.88%	3.98%	0.50%		**31.84%**
ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	21.89%	4.48%	1.00%			**27.36%**
WEAPN-IP/JO-GUN,DEADLY WPN (NO THRT/ASLT/DIST)	3.98%		0.50%			**4.48%**
AUTO RECOVERY	1.99%			1.49%	0.50%	**3.98%**
Grand Total	**45.27%**	**34.83%**	**14.43%**	**3.98%**	**1.49%**	**100.00%**

Table 7 shows a full distribution of uses of force (Types I and II) across final call type. Type I and II uses of force were most frequently associated with incidents that resolved as Assault, Other (16.3%), followed by Domestic Violence with Mandatory Arrest (10.4%), Crisis Complaint – General (6.8%), Narcotics - Other (5.49%), and Traffic - DUI (5.2%). 58 final calls types, all representing less than 1% of all uses of force, represent collectively represent the lowest frequency of force incidents.

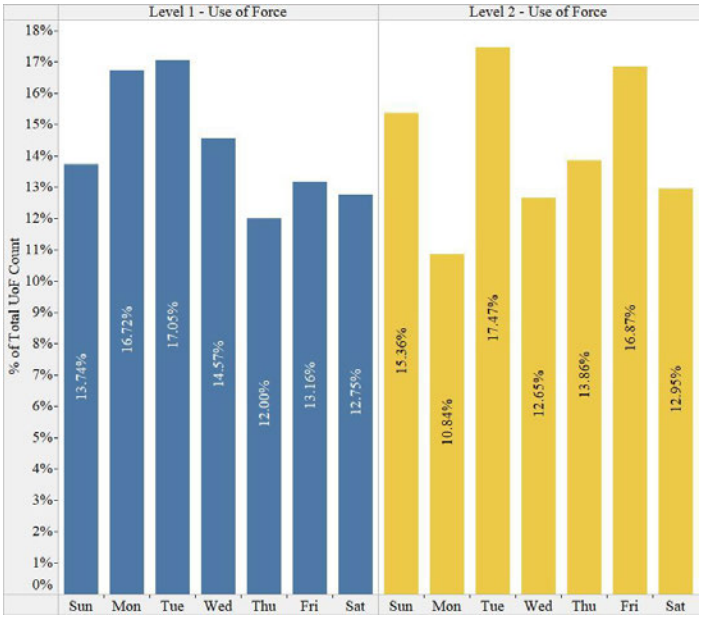
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Table 7: Final Call Type by Resulting Level of Use of Force

	Level 1 - Use of Force	Level 2 - Use of Force	Grand Total
--ASSAULTS, OTHER	11.94%	32.58%	**16.33%**
--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	11.65%	6.74%	**10.47%**
--CRISIS COMPLAINT - GENERAL	7.61%	4.87%	**6.88%**
--NARCOTICS - OTHER	5.83%	4.87%	**5.49%**
--TRAFFIC - D.U.I.	5.83%	2.25%	**5.20%**
--PROWLER - TRESPASS	5.08%	4.49%	**4.98%**
--WARRANT SERVICES - FELONY	4.51%	3.75%	**4.39%**
--AUTOMOBILES - RECOVERY (THEFT)	3.85%	2.25%	**3.44%**
--WARRANT SERVICES - MISDEMEANOR	3.10%	3.37%	**3.07%**
--ASSAULTS - HARASSMENT, THREATS	3.29%	1.50%	**2.86%**
--ROBBERY - ARMED	2.63%	2.62%	**2.78%**
--ASSAULTS - FIREARM INVOLVED	2.73%	1.87%	**2.71%**
--ROBBERY - STRONG ARM	2.44%	1.87%	**2.42%**
--WEAPON, PERSON WITH - GUN	2.54%	0.37%	**2.27%**
--THEFT - SHOPLIFT	1.41%	2.62%	**1.61%**
--SUSPICIOUS CIRCUM. - SUSPICIOUS PERSON	1.97%		**1.54%**
--DV - ENFORCE COURT ORDER (ARREST MANDATED)	1.50%	1.12%	**1.39%**
--THEFT - ALL OTHER	1.22%	2.25%	**1.39%**
--BURGLARY - NON RESIDENTIAL/COMMERCIAL	1.22%	1.12%	**1.17%**
--NARCOTICS - NARCOTICS WARRANT SERVICE	1.50%		**1.17%**
--PROPERTY DEST (DAMG)	1.32%	0.37%	**1.10%**
--BURGLARY - RESIDENTIAL OCCUPIED	0.94%	1.50%	**1.02%**
--BURGLARY - RESIDENTIAL, UNOCCUPIED	0.85%	1.12%	**1.02%**
All Other (<1%)	15.04%	16.48%	**15.30%**
Grand Total	**100.00%**	**100.00%**	**100.00%**

5. Use of Force by Day and Time

Figure 5: Average Use of Force by Day of Week



The distribution of force across day of the week is shown in Figure 5. Use of Type I force was reported to occur most frequently on Monday (16.7%) and Tuesday (17%). Use of Type II force was reported most frequently on Tuesday (17.5%) and Friday (16.9%). Attempts to fit a statistical model failed to find a significant trend (linear or polynomial) in either Type I or II force reporting.

Table 8 shows the distribution of use of force by Watch and Type; Figure 6 shows a breakdown of use of force across Type

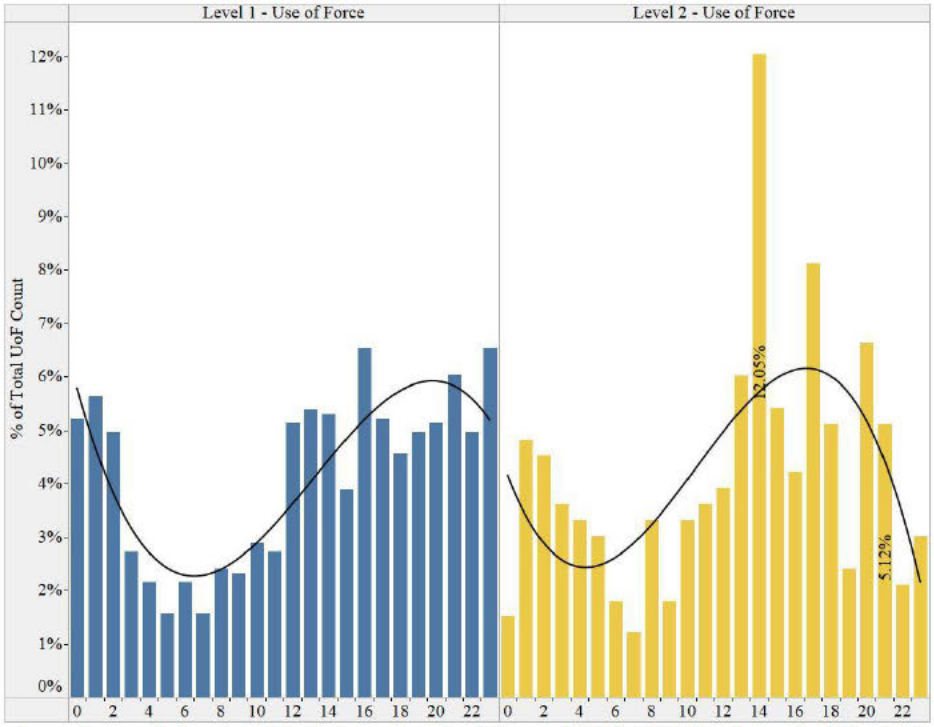
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I and Type II by hour and against a curve of best fit.

Table 8: Distribution of Use of Force by Type and Watch[7]

	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
1st Watch	13.62%	4.50%		0.19%	**18.31%**
2nd Watch	29.66%	10.20%	0.51%	0.32%	**40.68%**
3rd Watch	33.27%	6.34%	0.76%	0.63%	**41.00%**
Grand Total	**76.55%**	**21.04%**	**1.27%**	**1.14%**	**100.00%**

Figure 6: Use of Force Rates by Time of Day



A curvilinear regression analysis (shown in Figure 6) indicates a statistically significant correlation between time of day and the frequency of force, with both Type I ($p < .0001$, $r^2 = .7$) and Type II ($p = .04$, $r^2 = .32$) peaking during Third Watch (between the hours of 7 pm and 3 am). As shown in Figure 5, nearly half (41%) of all force reported in 2017 occurred during Third Watch hours, a trend consistent with data reported from 2014-2016. As noted in last year's report, this finding is not unexpected, but rather consistent with data showing that calls for service increase during Third Watch, particularly around nightlife closing hours.

It should be noted that skewing the data with respect to Type II data is one single event, an August demonstration (discussed previously in this report), which is reflected in Figure 5 as an anomaly around the 1400 hour mark. Controlling for this outlier improves the Type II regression model ($p = .02$.)

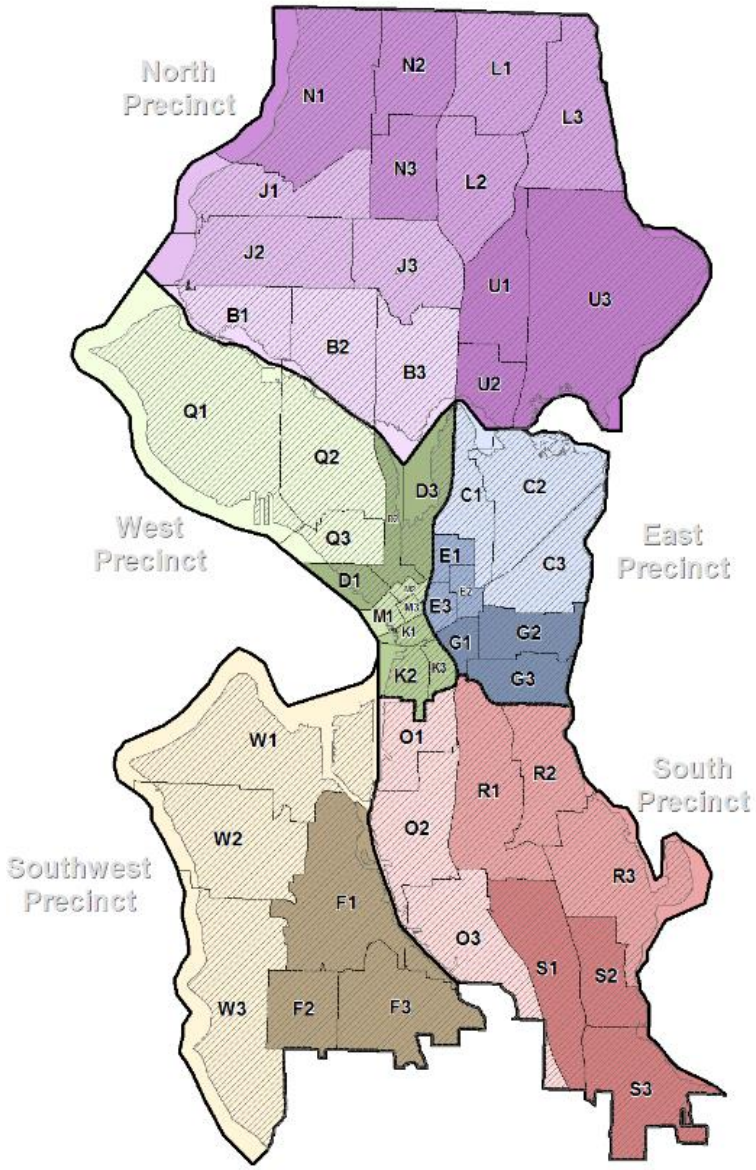
[7] Officers are assigned to one three watches. First watch is from 0300-1200 hours, or 0330-1230. Second Watch is from 1100-2000, or 1130-2030. Third Watch is from 1900-0400 or 1920-0430.

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6. Use of Force by Precinct and Sector

For purposes of orientation, the beat map that was in place for 2017,[8] showing the City of Seattle, divided by precinct, sector, and beat (1, 2, 3) is shown in Figure 7.

Figure 7: Precinct, Sector, and Beat Map of Seattle



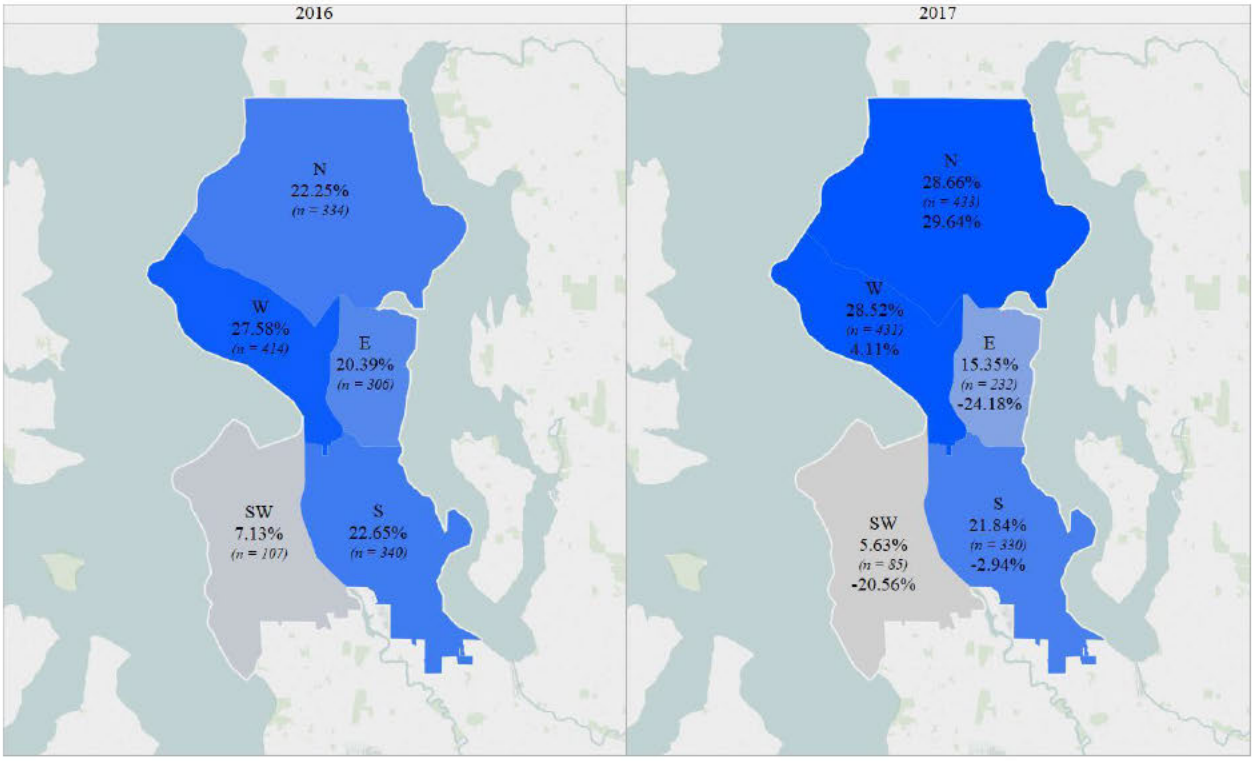
[8] In 2018, the Department re-drew the beat map such that a significant area of the International District that had been within the geographic bounds of the East Precinct was consolidated into West Precinct, to unify the International District within one precinct.

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Some differences in use of force at the report level were observed between the precincts when compared to the prior year's reporting. In considering these differences, it is important to note these numbers do ***not*** control for changes in population or call volume in those areas. (Seattle has been cited, by numerous sources, as one of the fastest growing cities in the nation.) ***These are, accordingly, simple comparisons; testing for statistical significance at this level would not be appropriate.***

A precinct comparison, year over year, of overall use of force is shown in Figure 8.

Figure 8: Force by Precinct



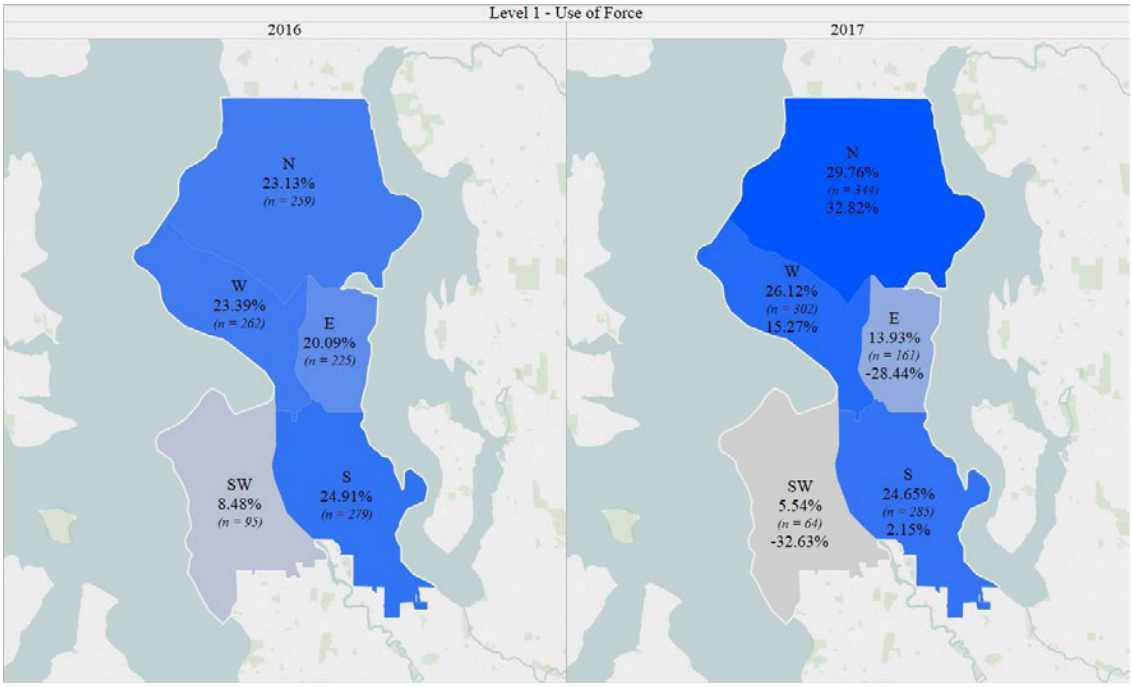
As a percentage of total reporting, use of force in the North Precinct rose to be on parity with the West precinct (28.66% and 28.52%, respectively), with North reporting 344 total uses of force in 2017 relative to 259 in 2016. (For purposes of additional context, a review of CAD activity shows that in 2017, a total of 235,369 North Precinct officers were dispatched to a total of 105,764 unique CAD events, as compared to 2016 data showing that 223,316 officers were dispatched to 102,721 events.)

In sum, nearly 60% of all force (57.2%) was reported across the North and West Precincts. Use of force declined in three (3) of five (5) Precincts, with double-digit declines reported in the Southwest (-24.18%) and East (-20.56%) precincts.

Breaking the data down by level of force provides additional context for the comparison. Choropleth maps showing differences in use of Type I and Type II force, relative to 2016 data, are presented in Figures 9 and 10, respectively.

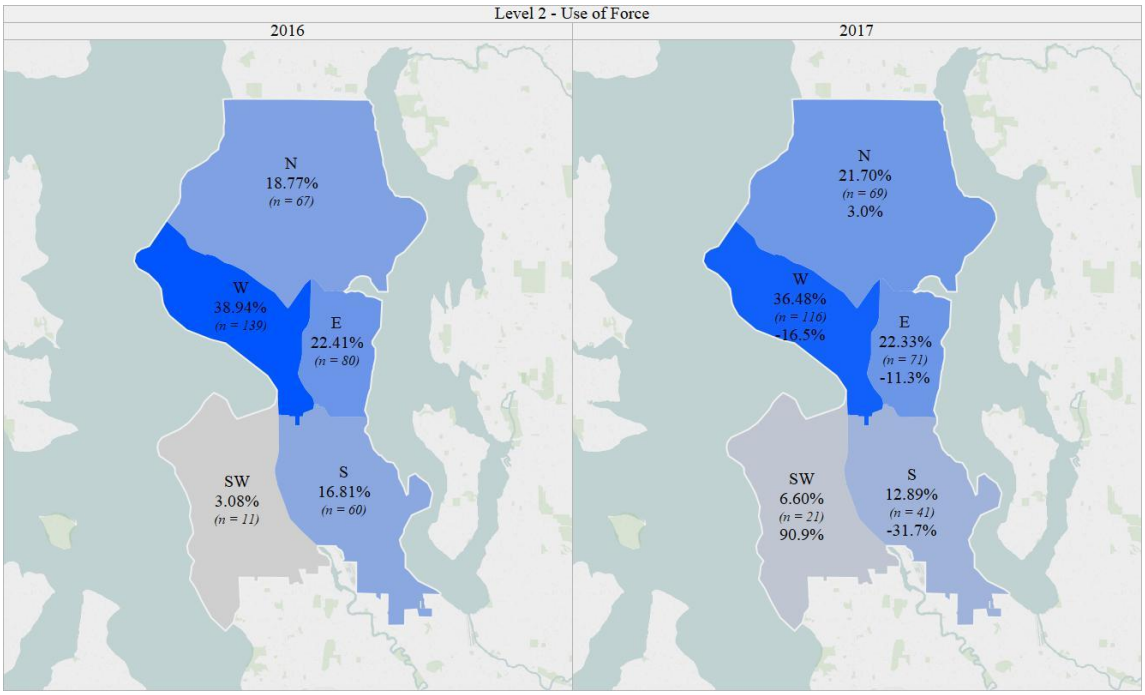
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Figure 9: Precinct Level Changes in Type I Use of Force



Within the two precincts that showed the most substantial reduction in Type I force reporting, the Southwest Precinct reported a 32.63% decline; a 28.44% decline was observed in the East Precinct. In contrast, North and West Precincts reported 32.82% and 15.27% increases in Type I force reporting, respectively. The South Precinct reported a 2% increase.

Figure 10: Precinct Level Changes in Type II Use of Force

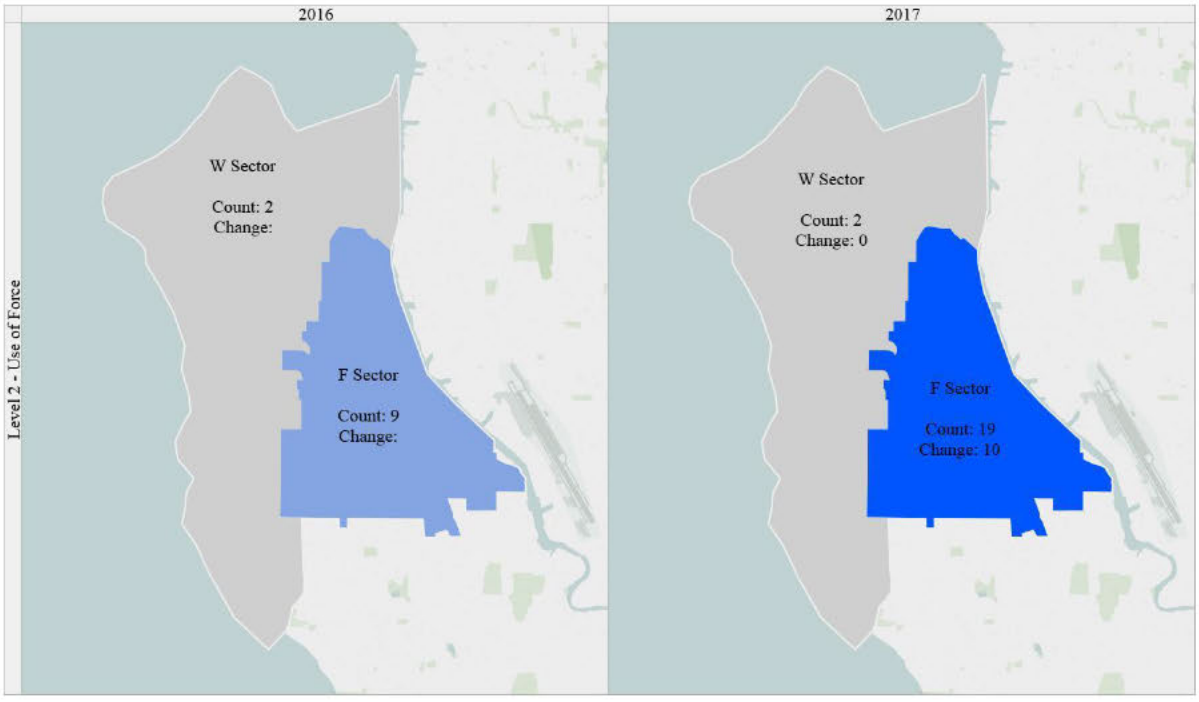


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Within Type II comparisons, South (-31.7%), West (-16.5%) and East (-11.3%) Precincts each reported a decline in use of Type II force. Reports of Type II force increased slightly (3%) in the North Precinct. A numerically substantial increase was observed in the Southwest Precinct, which reported a 90% increase in Type II force reporting relative to 2016; again, however, as these are absolute numbers, a comparison of percentage increase is subject to the inherent "lensing" effect associated with counts that are either extremely small or extremely large. The net increase in number of Type II reports in 2017 in the Southwest Precinct was ten (a total of 21 reports, relative to the 11 reports submitted in 2016).

While additional review of this effect over time will be necessary to identify any meaningful causal factors, a closer examination of concentrations of Type II reporting in the Southwest Precinct, at the Sector level and as shown in Figure 11, isolates the increase in its entirety to Frank Sector (up from nine to 19). In addition, a cross-watch analysis further isolates the bulk of the increased reporting in Frank Sector to Third Watch, with a total increase of six (6) Type II use of force reports, accounting for 60% of the total change (+90%). Finally, these 19 Type II force reports are associated with 17 separate incidents; of these incidents, four are associated with a single address.

Figure 11: Sector-Level Changes in Type II Use of Force in the Southwest Precinct



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Table 9: Comparison of Force by Sector City-Wide

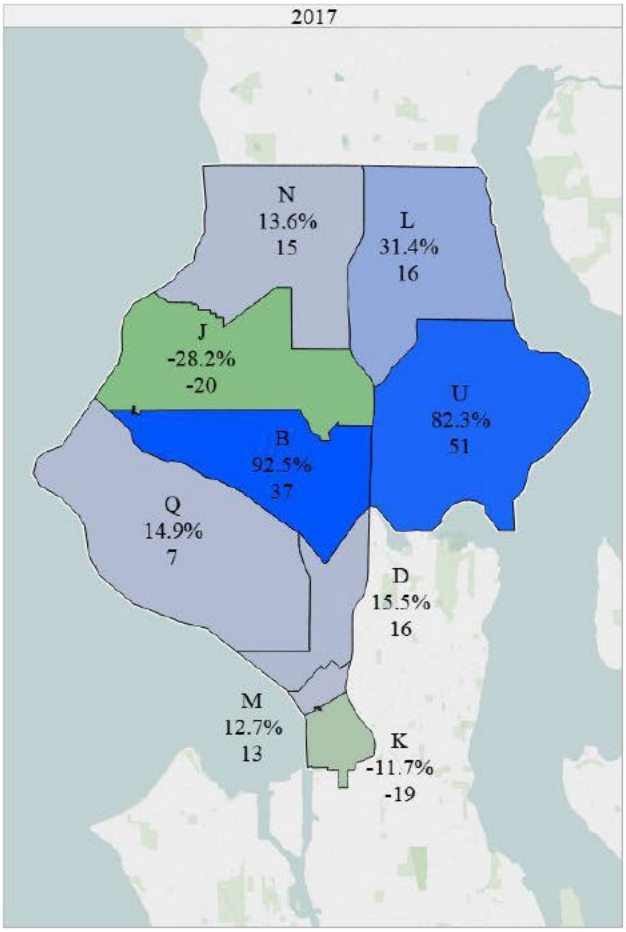
	2016	2017	Grand Total
KING	10.27%	8.78% -11.7%	**9.52%**
SAM	9.19%	7.62% -14.5%	**8.39%**
EDWARD	9.51%	5.77% -37.3%	**7.61%**
ROBERT	7.29%	7.80% 10.4%	**7.55%**
NORA	6.98%	7.68% 13.6%	**7.33%**
DAVID	6.53%	7.31% 15.5%	**6.93%**
MARY	6.47%	7.06% 12.7%	**6.77%**
GEORGE	6.66%	5.59% -13.3%	**6.12%**
UNION	3.93%	7.00% 83.9%	**5.49%**
OCEAN	5.07%	4.79% -2.5%	**4.93%**
JOHN	4.50%	3.13% -28.2%	**3.81%**
LINCOLN	3.23%	4.12% 31.4%	**3.68%**
BOY	2.54%	4.73% 92.5%	**3.65%**
FRANK	4.25%	2.95% -28.4%	**3.59%**
QUEEN	2.98%	3.32% 14.9%	**3.15%**
CHARLIE	3.23%	2.89% -7.8%	**3.06%**
WILLIAM	2.54%	2.27% -7.5%	**2.40%**

A breakdown of force, by sector city-wide, as a percentage of total use of force and as compared to 2016, City-wide, in presented in Table 9, on the following page. Despite a nearly 12% decline year over year, King Sector maintained the hightest concentration of force overall. As was true in 2016, King, Sam and Edward Sectors reported the highest number of force incidents, accounting for slightly more than 22% of all force reported in 2017, although down from 28% in 2016. That said, relative to 2016, Edward Sector also reported the most significant decrease overall, down 37.3% in 2017.

The finding of relatively higher numbers of force incidents in King, Sam, and Edward Sectors is, as the Department noted in last year's report, not unexpected; consistent with data showing that both calls for service and uses of force peak during Third Watch around nightlife closing hours, both King and Edward Sectors have significant nightlife activity that, especially during spring and summer months, is not infrequently associated with large fight disturbances and opportunistic robberies. Sam Sector encompasses a high concentration of shots fired and violent crime calls; King Sector has a high level of narcotics enforcement.

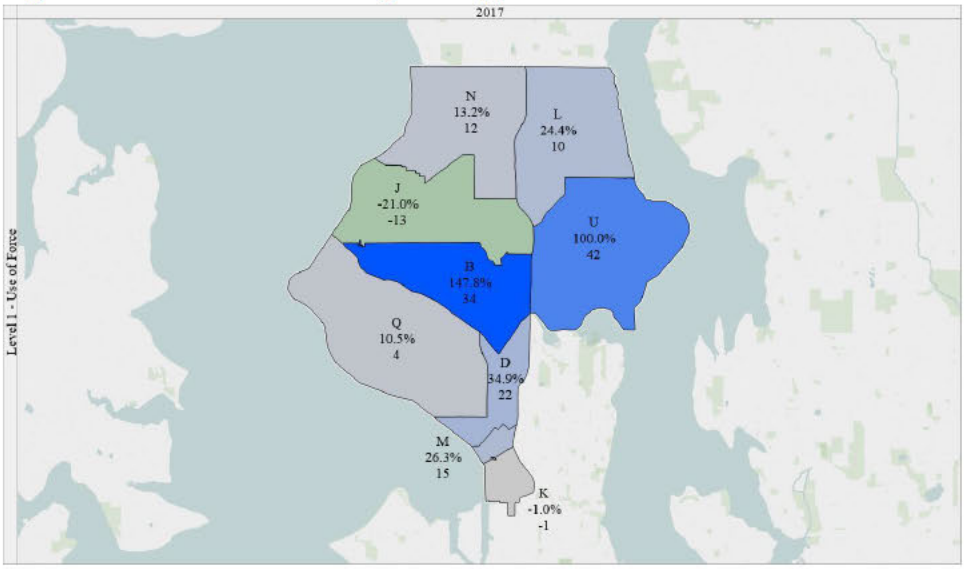
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Figure 12: Sector-Level Changes in Use of Force (North and West Precincts)



Overall, North and West Precincts reported the largest increases in force reporting, with a nearly 30% increase year over year. Figure 12 shows the year-over-year difference in overall force (percentage and number) by sector. In the North Precinct, increases in force reporting were reported in all but John Sectors, which declined by 28.2%. Similarly, with the exception of King Sector, which reported a nearly 12% decrease in uses of force, all West Precinct Sectors similarly increased.

Figure 13: Sector-Level Changes in Type I Use of Force in the North Precinct



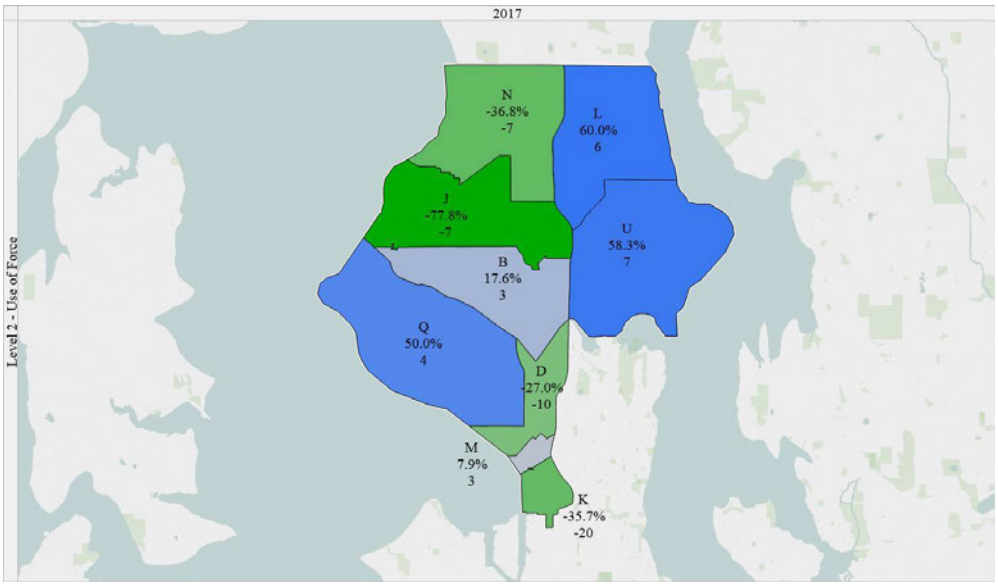
Citywide, Boy Sector reported the largest percentage increase (92%), with 37 more reports of force in 2017 than 2016. This increase is almost entirely due to an increase in Type I use of force. As shown in Figure 12, when controlling for force type, 34 of these 37 reports in Boy Sector were for Type I force - a 147% increase over 2016. Union Sector

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could attribute approximately 80% of its increase in force reporting to Type I, with nearly double the number of reports over the previous year.

As shown in Figure 14, Type II force reporting accounted for just 1% of the increase in Boy Sector and 1.2% of the increase in Union Sector.

Figure 14: Sector-Level Changes in Type II Use of Force in the North Precinct



C. Use of Force – Less Lethal Devices

As defined in SPD Manual Section 8.050, less lethal devices are "devices designed and intended to apply force not intended nor likely to cause the death of a subject or great bodily harm." Approved/Department-issued devices include the beanbag shotgun, conducted electrical weapons (Taser), impact weapons (baton), and Oleoresin Capsicum (OC) spray. In addition, vehicle related tactics, neck/carotid restraints, and canine deployments are tracked as less lethal tactics; hobble restraints, which can be used to restrain a subject's limbs, and Noise Flash Diversionary Devices (NFDDs), a device typically used by SWAT which cause a large flash and a noise and are intended to disorient, but not make contact with, a subject are also tracked in this category. A breakdown of incidents involving one or more less lethal tools is provided in Table 10.

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Table 10: Less-Lethal Deployments (January 1 – December 31, 2017)

Tool	Number of Incidents	Number of Involved Officers
Stop Stick deployment	1	1
Baton	3	3
Hobble Restraint	5	7
NFDD	23	38
Blast Balls	1	2
Canine[9]	8	8
Vehicle Tactics	8	10
OC – Pepper Spray	6	25
Taser	27	30

Four of the six incidents in which OC spray was used involved crowd control/demonstration management events, as was the one occasion on which blast balls were deployed.

7. Less-Lethal Devices – Taser[10]

A Taser is a less-lethal device that is available as a force option when use of force is needed to bring an incident under control where deadly force may not be warranted. The use of a Taser is governed by SPD Manual Section 8.300, Use of Force Tools. As with any less lethal tool, it may be used "to interrupt a subject's threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications. Less-lethal devices alone cannot be expected to render a suspect harmless."

Tasers operate in two primary modes: "probe" (or "dart") mode and "contact" (or "drive stun") mode. In dart mode, Tasers use compressed nitrogen to fire two barbed probes (darts). Electricity travels along thin wires attached to the probes and can bring about uncontrolled muscle contractions which override an individual's voluntary motor function (neuromuscular incapacitation, or NMI). In drive stun mode, the device is placed in direct contact with the subject's body; in this manner of deployment, the Taser is intended to cause significant pain, but it does not override motor function.

[9] Only those canine deployments that involved contact between the canine and the subject resulting in a reportable use of force are included here.

[10] This report follows on the Department's 2016 Taser Report, a stand-alone report that describes in greater detail how Taser deployments are tracked and reported. A copy of that report can be accessed at http://spdblotter.seattle.gov/wp-content/uploads/2017/12/Taser-Report-2016.pdf.

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By policy, Seattle Police Officers are required to carry at least one less-lethal tool (Taser, baton, or Oleoresin Capsicum (OC) spray). Officers who choose to carry Tasers are required to attend a two-day training course before being issued their device.

The Department tracks all Taser deployments (whether in dart mode or stun mode) as a Type II use of force, regardless of whether the Taser application was effective or not in bringing the subject under control. Each Taser application is reported as a separate force count; an officer who deploys their Taser twice in the course of an incident, e.g., is required to report that as two separate applications. Arc warnings (a spark triggered as a visual indicator of the Taser's capacity to enhance a verbal warning) and the pointing of the device's laser alone, are not reportable events.

In reviewing data around Taser deployments, it is important to note that the low frequency with which Seattle officers deploy Tasers precludes drawing statistically meaningful inferences from these numbers. As the Department continues to monitor Taser use over time, any trends that emerge will inform Department policy and training.

a. Taser Deployments

In total, 30 Seattle Police officers reported deploying/activating their Taser 54 times across 27 separate use of force incidents. (In other words, in some instances, the involved officers deployed their Tasers more than once in the same incident.) Most of these incidents (80%) involved one or two Taser activations. The highest number of Taser activations in a single incident involved a single officer who cycled his Taser a total of six times. In four of those attempts, the Taser malfunctioned and did not deploy; in two, the Taser did deploy and NMI was momentarily achieved, but ultimately insufficiently so to subdue the subject.[11] This particular incident (2017-319167) is described in more detail in Section II of this report.

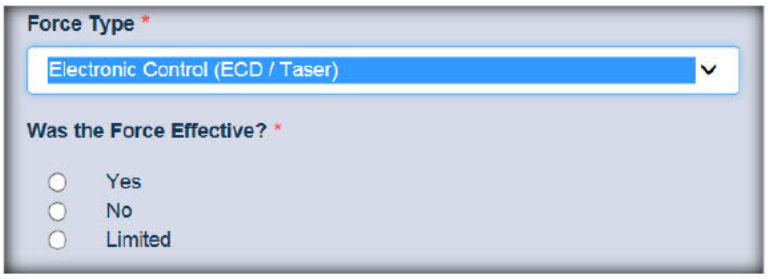
b. Taser Effectiveness

Officers are required to report on the effectiveness of all force used, from verbal commands to discharging a firearm, as "effective" or "not effective" under the guideline that "if the force used allowed you to take the subject into custody," then it was effective. If it did not, then it was not effective. Officers make this determination for each type of force they apply in a given incident.

[11] An evaluation of this particularly Taser indicated a FET Fault error, an indication of poor or no connection from the cartridge to the Taser.

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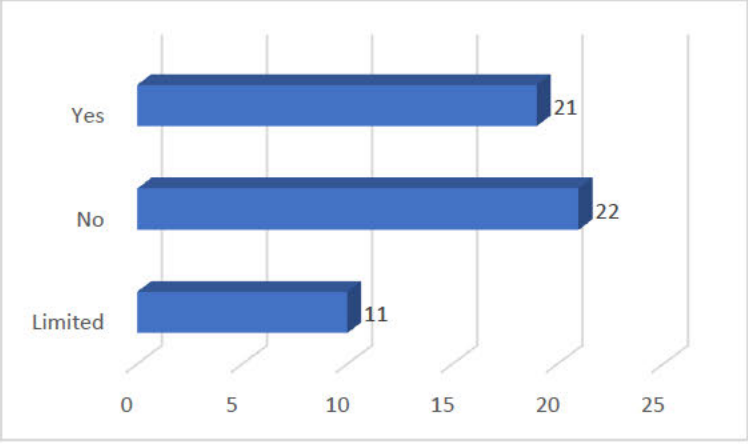
Figure 15: Force Reporting Module - Taser



The Taser reporting module (shown in Figure 15) allows officers to report force as "Effective," "Limited," or "Not Effective." Effectiveness is determined by the involved officer at the time of Taser activation and is based on their training and prior experience. If an officer believes the Taser was effective in taking the subject into custody, that officer should report the Taser application as "effective." If the application had some useful effect in taking the person into custody, it should be reported as limited. If the Taser failed, misfired, missed, did not result in NMI, or otherwise was not useful in taking the person into custody, the deployment should be reported as having "No Effect."

One limit to this reporting interface is that officers evaluate the effectiveness of Taser application with regard to his or her deployments in the aggregate, rather than assessing each deployment individually. In other words, if an officer deploys three Taser applications, the third of which is effective but the first two are not, the reporting interface would reflect that officer's Taser use, overall, as effective. For purposes of this report, for incidents that involved multiple applications, narratives were examined to determine the effectiveness of each application separately. In the hypothetical example above, accordingly, three applications would be reported, one of which was effective, and two of which were not.

Figure 16: Overall Taser Effectiveness by Activation



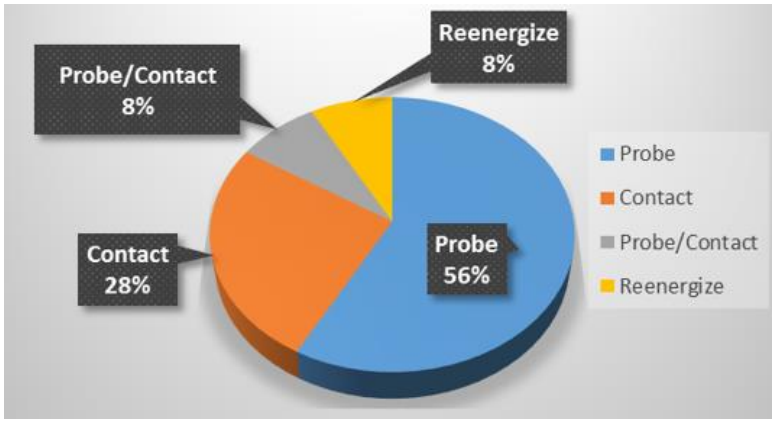
A breakdown of Taser effectiveness, by activation count, is shown in Figure 16. In 21, approximately 39% of the 54 total activations across 27 incidents, the Taser was reported to be effective in taking the person into custody; it was reported not to be effective in 22, or approximately 41%, of the 54 applications. The Taser was reported to be of limited effect in the remaining 20% of applications.

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c. Taser Effectiveness by Application Type

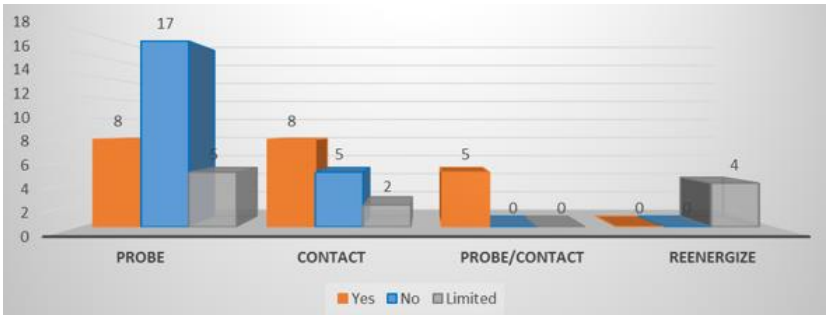
In addition to dart-mode (or probe deployment) and drive-stun, officers may classify certain applications as either "probe/contact" or "re-energize." A probe/contact application indicates a situation in which the Taser is fired in dart mode, at least one probe makes good contact, but NMI is not achieved. In this circumstance, the Taser is deployed in drive stun elsewhere on the body to complete the circuit in an effort to achieve NMI. The "re-energize" classification indicates a situation in which an officer is required to apply a second or third trigger pull in order to recycle the electric current; as each application is separately described in the officer's Blue Team statement, a "re-energize" application would necessarily appear in conjunction with another mode of deployment. Again, multiple applications may be reported in a single incident; returning to the hypothetical example of the three applications, only the last of which was effective, one might envision that situation to entail a probe deployment, a re-energizing application, followed by a probe/contact.

Figure 17: Taser Deployments by Activation Type



A breakdown of Taser deployments by activation type (or mode) is presented in Figure 17; Figure 18 shows a breakdown of Taser effectiveness by activation type. As shown between these two figures, slightly more than half (n=30) of all Taser deployments in 2017 were in "probe" mode. Of these, 17, or approximately 57%, were reported to be effective; eight were reported to be not effective, and the remaining five were reported to be of limited effect. Of the 15 deployments that were activated in "contact" mode, one third (n=5) were reported to be effective; slightly more than half (n=8) were reported to be not effective, and the remaining two were reported to be of limited effect. The five deployments that were activated in "probe/contact" mode were reported to be not effective; all of the four deployments that were activated in "re-energize" mode were deemed of limited effect.

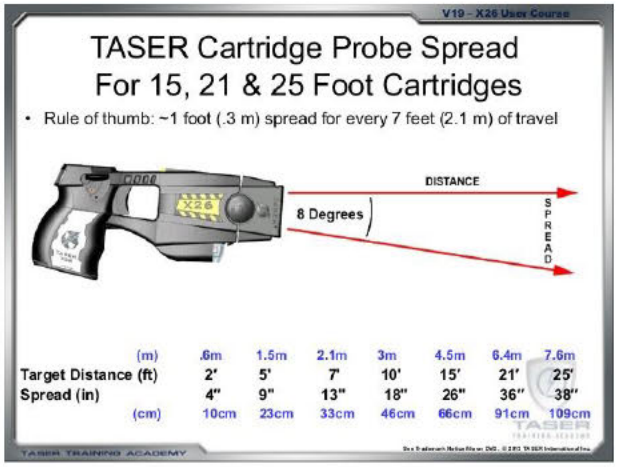
Figure 18: Taser Deployments by Activation Type



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d. Taser Effectiveness by Subject Distance

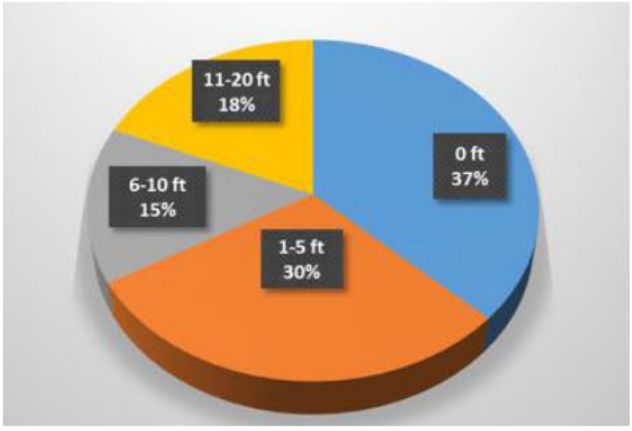
To work in probe, or dart, mode, there must be adequate spread between the probes to generate a sufficient current to cause NMI. Due to the trajectories and lag of the probe wires, the greater the distance the officer is from the subject, the greater the spread will be; as shown in the graphic to the right, Taser estimates an approximate one foot spread per seven feet of travel. Optimum distance for a Taser deployment is 7-12 feet, with a target of center mass. In probe mode, the spread between probes must be generally be a minimum of four inches to be effective.



The reporting module for Taser deployments requires officers to report their estimated distance from the subject by way of four drop-down range selections of 0 feet (as would be the case in contact mode), 1-5 feet, 6-10 feet, and 11-20 feet.

A breakdown of Taser deployments by distance from subject is presented in Figure 19; Figure 20 shows a breakdown of Taser effectiveness by distance.

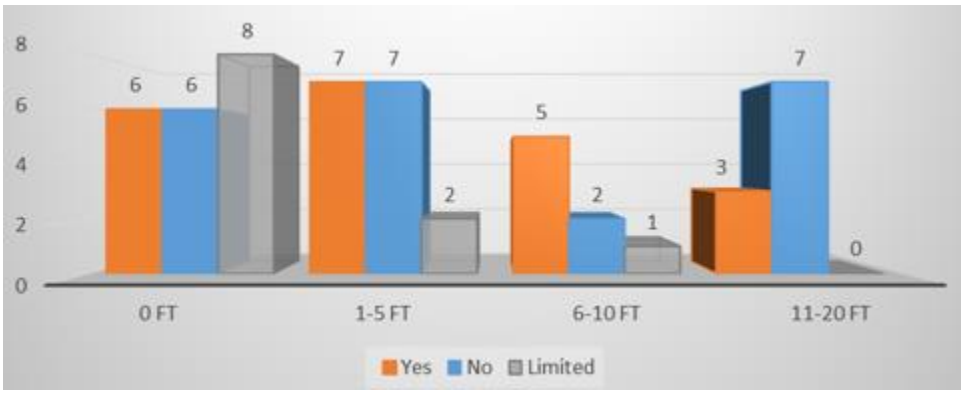
Figure 19: Taser Deployments by Distance from Subject



In approximately 37% of instances (n=20), officers reported Taser deployments at 0 feet (i.e., in contact mode); of these activations, six were reported to be effective, six were reported to be not effective, and eight were reported to be of limited effect. Of the 16 deployments that were reported at a distance of 1-5 feet, seven were reported to be effective, seven were reported to be not effective, and two were reported to be of limited effect. At at a distance of 6-10 feet, the majority (five) were reported to be not effective; two were reported to be effective, and one was reported to be of limited effect. Of the ten deployments that were reported at a distance of 11-20 feet, the majority (seven) were reported to be effective and three were reported to be not effective.

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Figure 20: Taser Effectiveness by Distance from Subject

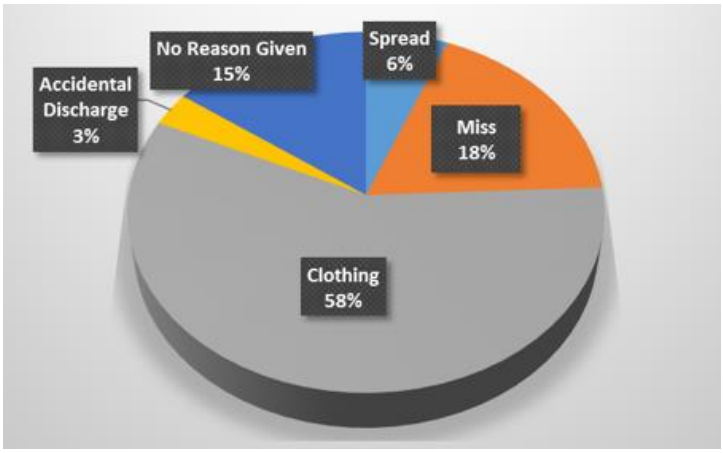


e. Factors Limiting Taser Effectiveness

Several factors may impact the effectiveness of a Taser, including a missed probe, low spread between probes, heavy or baggy clothing, low or high body mass. The physiological state of a subject may also impact Taser effectiveness. Where a Taser application is not effective, officers are required to identify in their statements the reason so, based on their training and perspective at the time of the deployment. The Taser reporting module provides the following options for recording Taser ineffectiveness:

- Spread (i.e., insufficient to cause NMI);
- Miss (i.e., probes did not strike the subject;
- Clothing (e.g., thick, puffy, and baggy clothing may cause a gap between the subject and the probe, resulting in a disconnect and ultimately failure of the application);
- Cartridge Failed: Didn't activate.

Figure 21: Factors Limiting Taser Effectiveness



A breakdown of those factors identified as limiting Taser effectiveness is shown in Figure 21. Of the 33 Taser deployments that were reported to be not effective or of limited effect, clothing was identified as the limiting factor in the majority of instances (n=19). In six instances, one or more Taser probes missed the subject; in two, the officers reported insufficient spread between the probes. No reason was provided in five instances, and an accidental discharge was reported in one instance.

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SECTION II: FORCE INVESTIGATION AND REVIEW

All uses of force are thoroughly and critically reviewed. While the section above provides data and statistics about the frequency and distribution, it is the substantive review of each force case by the chain of command, the Force Review Unit, and the Force Review Board that determines whether force is in or out of SPD policy. If any reviewer in the chain of command or the FRU, or if the FRB by consensus, finds an indication of a policy violation, whether related to the force or otherwise, that case is required to be referred to the Office of Professional Accountability for further review and a determination about whether there is any policy violation, and if so, the level of recommended discipline. In addition, the OPA Director or his designee sits in on all FRB discussions, and has the prerogative to take for further review any case regardless of whether the FRB separately refers.

This Section describes the investigation and review processes for Types II and III uses of force, provides a summary of each Type III force investigation initiated by the Force Investigation Team (FIT) between January 1 – December 31 2016,[12] and discusses assessments by the Force Review Board (FRB) of both Type II and Type III cases reviewed during 2016.

A. INVESTIGATION OF FORCE

1. Investigation of Type II Use of Force

Investigation and Review of Type II uses of force are governed by SPD Manual Sections 8.400 and 8.500.

Officers who are involved in using Type II force are required to notify an on-duty sergeant of the incident, upload and flag in-car video with the incident number, complete necessary documentation relating to the incident (General Offense report) and submit a detailed use of force statement before leaving their shift. Officers who witness a Type II use of force are likewise required to submit a witness officer use of force statement prior to ending their shift.

The responding Sergeant is responsible for conducting the investigation into the use of force. The Sergeant interviews the subject, the involved officer(s), any witness officers, and any civilian witnesses. The Sergeant reviews the officer's statement to ensure it is thorough and complete

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and review, secures relevant in-car video, and provides a summary narrative of the incident and description of the evidence gathered and the investigative process. This summary, and all supporting documents, are then forwarded up the chain of command.

During the first half of the year, the investigating Sergeant was also responsible for conducting the first-level review of a Type II use of force incident, which included the often time-intensive task of viewing all available video evidence (in-car and any other video obtained from a canvas). To enable Sergeants, as first-line supervisors, more time to actively engage with their squads in the field while still ensuring that Type II incidents received thorough, critical review, in July 2016 the Department implemented the new position of Administrative Lieutenant for each precinct. Sergeants retain investigatory responsibility, but Administrative Lieutenants now absorb much of the analytical work of force review for which Sergeants and reviewing Lieutenants had been responsible. The Administrative Lieutenant is responsible for reviewing and bookmarking (identifying in the system) relevant sections of all video evidence, ensuring that the investigations (for both Type I and Type II uses of force) and force reports are thorough and complete, analyzing the force for policy, training, tactical, or equipment issues, and ensuring that the force was properly categorized. This quality assurance measure enables the Department to recognize investigative issues or omissions at an earlier stage of review, more efficiently refer officers for additional training as necessary, and take more timely and proactive action in response to potential policy violations. The Administrative Lieutenant provides the completed investigation and administrative review to both the officer's assigned Lieutenant and the Precinct Captain, who forward Type II cases up to the Force Review Unit.

2. Investigation of Type III Use of Force

Investigation of Type III uses of force, including Officer Involved Shootings, are governed by Manual Sections 8.400 and by the FIT Manual, a comprehensive guide for conducting thorough, complete investigations, interviews, and analysis.

The Force Investigation Team is responsible for investigating all Type III uses of force by Seattle officers. FIT also investigates serious assaults against officers, any discharge of a firearm by an officer, in-custody deaths (both within SPD custody or, by agreement with the King County Jail, any deaths occurring in the jail or within 72 hours of release of the jail), and any use of force incident in which the supervisor believes there was misconduct in the application of the force.

FIT consists of a Captain, a Lieutenant, a Sergeant, and six Detectives. The team is deliberately decentralized from SPD headquarters, and is instead located in the same building as the Crime Scene Investigation Unit and the State Crime Lab at Airport Way Center. This location facilitates ease of access to the Evidence Section, the Crime Lab, the Photo Lab, and allows for privacy of officers from their coworkers at each precinct when needed as witnesses in a FIT case.

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Table 11 shows a breakdown of total FIT responses for each of 2014, 2015, 2016 and 2017. Response total reflects all responses by the FIT team, including non-force-related incidents (e.g., assisting an outside agency, jail death, or assault on officer investigation). The number of officers reflects the total number of officers who used force at any level (Type I, II, or III) across all incidents investigated by FIT; because each force case is investigated according to the highest level used in that incident, one FIT case can include multiple uses of force at lower levels as well.

Table 11: Total FIT Responses (2014-2017)

Year	Responses	Number Of Officers	OIS (Fatal)	Returned to Patrol	In-Custody Death	Unintentional Discharge	Potential Misconduct
2017	26	49[13]	6 (3)	3	5	1	1[14]
2016	32	49	4 (2)	4	1	2	2
2015	26	50	5 (2)	3	2	3	2
2014	46	70	9 (5)	8	2	3	2

Of the 26 incidents to which FIT responded in 2017,

- Sixteen involved a Type III use of force by one or more Seattle Police Officers, six of which were Officer Involved Shootings (OIS), three of which were fatal.
- One was an unintentional firearm discharge that did not result in any injuries.
- Five concerned an in-custody death, four of which occurred in the King County Jail and did not involve any SPD use of force. The fifth incident, which but for the subject's death would not have called for a FIT investigation, is described below.
- Four were determined not to involve Type III force and were returned to Patrol for investigation as Type II incidents.

a. FIT Response Process[15]

A typical FIT response is initiated when FIT receives a screening call from an on-scene sergeant or other supervisor. FIT directs the supervisor to sequester the involved officers and have them escorted individually, by an uninvolved officer to the FIT office. The OPA Director, the Crime

[13] In addition to the 49 involved SPD officers, FIT also investigated one officer from another agency involved in an OIS at the request of that agency; see FN 3.

[14] The potential misconduct was identified in connection with an OIS; accordingly, FIT was at the scene regardless.

[15] FIT policy and procedure is set forth in greater detail in SPD Manual Section 8.400.

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Scene Investigation Unit (CSI), Training Unit, and executive members of Command Staff are also notified to respond to the scene as appropriate.

FIT detectives are responsible for gathering physical evidence, eyewitness and involved subject statements, and any video evidence, both at the scene and through later canvassing of the neighborhood, news media and internet. At the scene, the lead FIT investigator consults with CSI, Training, and OPA regarding the evidence gathered; if there is any indication of criminal conduct by the officer, the investigation is bifurcated such that the administrative review of the incident is screened from the criminal investigation. No case investigated during either 2015 or 2016 involved a criminal allegation.

Involved and eyewitness officers are interviewed, separately, at the FIT offices, for purposes of capturing as close to the event as possible their perceptions and recollections of the incident. Recognizing that video is only one piece of evidence, can be misleading, and is often incomplete, FIT has moved towards not permitting officers to watch video prior to giving their statements, so as capture as cleanly as possible what the officer perceived leading up to and at the moment the force was used.

When complete, the FIT investigation and CSI investigation, if any, is formally presented to the Force Review Board. A completed FIT investigation is required to cover, where applicable:

- A summary of the incident;
- Scene description, diagram, and/or photographs;
- Witness and video canvass;
- Subject information;
- Witness information;
- Injuries, either to officer or subject;
- All physical evidence;
- Clothing analysis;
- Weapons and weapon testing/analysis;
- Personnel involved;
- Any communications concerning the incident or the investigation;
- FIT callout notifications; and
- Detective's log of investigation steps.

b. 2017 FIT Responses

The descriptions presented in Table 12 are intended to provide neutral but informative statements of each of the 26 incidents to which FIT responded during 2016. They are not intended to provide a detailed analysis, nor are they intended to convey a qualitative determination as to the use of force, which by policy is the purview of the FRB in each of these

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cases. Further, while an overview of the FRB's case dispositions in 2017 in the aggregate is presented later in this section, not all of the cases here have yet undergone FRB review.

Table 12: Total FIT Responses (2014-2017)

Incident No.	Precinct	Event Summary
2017-109481 **In-custody Death**	KCJ	A King County Jail inmate who had been booked one month prior for outstanding warrants was transferred to Harborview Medical Center for breathing problems. He passed away under medical care. Per agreement with KCJ that FIT will investigate all in-custody deaths, FIT responded. The Medical Examiner determined that the subject died from complications of an enlarged heart resulting from chronic methamphetamine use.
2017-111319 **Type II** **1 Involved Officer**	North	North Precinct Bike Officers contacted a male subject and a juvenile female in the area of N. 107 & Aurora Ave N. after observing what appeared to be car prowling. Moments after contact, the male subject fled on foot across Aurora Ave N and was struck by two vehicles traveling southbound, launching him in the air before he landed on the roadway. The subject was able to get up and continued to flee into the parking lot of a business. He was observed throwing a container that was later recovered and found to contain heroin. Employees of a neighboring business observed the subject fleeing, took him to the ground, and held him until officers arrived. One officer used Type II force (knee strikes) in taking the subject into custody. Due to the possible extent of injuries resulting from the vehicle collision, FIT opened an investigation. Ultimately, despite the nature of the collision, the subject was found only to have sustained minor injuries.
2017-092155 **Type III** **1 involved Officer** ***Subject Native American male, age 46***	North	While on patrol, the involved officer and his partner observed a vehicle driving erratically. The vehicle began to pull to the side of the road, then pulled into the planting strip. The vehicle, now fully in the planting strip, continued driving. Officers followed the vehicle as it made a turn onto another roadway. The vehicle then drove into another vehicle that was traveling in the opposite direction. The subject exited the vehicle and ran from the scene. The involved officer gave chase on foot and caught up to the subject as the subject was attempting to scale a fence. The officer reported that during the struggle he inadvertently placed his arm around the subject's neck but quickly repositioned his arm. The subject broke free and continued to flee on foot. The

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Incident No.	Precinct	Event Summary
		officer pursued and ultimately used a Taser in probe launch to take the subject into custody. FIT responded to investigate the possibility of a neck hold.
2017-124534 **Type III** **3 involved Officers** ***Subject Black male, age 22***	South	The subject was arrested for his involvement in a shooting that had occurred several hours prior to his arrest. During a search incident to arrest, the subject was assaultive to officers. Officers located a bullet casing and a large amount of narcotics on the subject's person. Following the search, the subject was transported to the South Precinct. At the precinct, the subject made several requests to use the restroom. Based on his prior behavior and concerns that the subject may be in possession of additional narcotics that would attempt to destroy prior to booking, three officers escorted him to the restroom and removed his handcuffs. When officers prevented him from closing the door to the restroom, the subject became combative. The subject attempted to leave the bathroom, approaching one officer. The officer blocked him from exiting the restroom, the subject retreated back into the restroom. When officers approached to place him back into handcuffs, the subject became physically and verbally aggressive towards officers, clenching his fists and displaying a "fighting stance." The officers decided to take him to the ground for better control as they reapplied handcuffs. During the sergeant's screening of the Type I use of force (takedown), the subject stated that during the struggle he had been choked and punched in the face by a "Mexican" officer. Based on this allegation, the screening sergeant contacted FIT, which responded to investigate those allegations.
2017-136455 **In-custody Death**	Outside Agency	Per agreement with the King County Jail that FIT will investigate all in-custody deaths, FIT was called to respond to a King County Jail In-Custody Death at Harborview Medical Center. This death did not involve an SPD arrest or SPD incident. It was determined that the inmate died of lung cancer under a "Do Not Resuscitate" order.
2017-138013 **Type III – OIS (Fatal)**	West & Canine	Officers responded to a report of a robbery at a 7-eleven in which one subject brandished a handgun at the clerk. Officers located the reported suspects walking past the old Federal Office Building on First Ave. One subject assaulted an officer while

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Incident No.	Precinct	Event Summary
4 involved Officers ***Subject Black male, age 20*** **Type II** **2 involved Officers** **Type I** **2 involved Officers**		being detained, allowing the potentially armed subject to flee. Officers gave chase on foot. When officers followed the subject into the loading dock of the federal building, the subject fired on the officers, who returned fire. One SPD Officer sustained a serious gunshot injury, one officer was struck in the ballistic vest and sustained minor injuries, and a third officer sustained a minor grazing injury. The subject was pronounced deceased at the scene.
2017-144994 **Type II** **4 involved Officers**	South	Officers reported knee strikes, some possibly to the head. The subject was transported to HMC for evaluation, where medical evaluation showed no significant injury. Video review of the incident showed that the officers did not use Type III force. The incident was referred back to Patrol for a Type II investigation.
2017-176692 **Type II** **2 involved Officers**	North	Anti-Crime Team Officers arrested the subject on felony warrants. The subject claimed to have sustained a broken arm and other injuries during the takedown. Upon medical examination, it was determined that the subject had not sustained any injuries and identified no medical issues arising from the use of force. The incident was referred back to Patrol for Type II review.
2017-189519 **Type III** **2 involved Officers** ***Subject White male, age 70***	West	A citizen attempting to return a lost wallet and cell phone went to the address found in the wallet and was met by the subject, who was not the owner of the wallet. When the citizen declined to turn the wallet and phone over to the subject, the subject assaulted him with a punch to throat and demanded the items under threat of pepper spray, which he retrieved from a drawer immediately next to the front door. When Officers called to investigate the assault contacted the subject, the subject reached into the drawer where the pepper spray was located. Officers grabbed the subject, who actively resisted handcuffing. The subject sustained a dislocated shoulder during the incident; he was treated at Harborview Medical Center and booked into King County Jail on Robbery charges.

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Incident No.	Precinct	Event Summary
2017-193874 **Type III OIS (Non-Fatal)** **1 involved SPD Officer** **1 involved DOC officer** ***Subject White male, age 38***	Gangs/ATF Task Force	ATF Puget Sound Violent Crime Task Force Officers, including an SPD detective, were attempting to arrest a subject who was wanted on Department of Corrections Escape warrants for Burglary and Robbery. The officers waited until the subject was isolated in the driveway at his residence, then approached. Upon seeing the officers, the subject began running toward the entrance to the house, raised a pistol, and fired multiple shots at the SPD Detective. The SPD Detective and a DOC Officer returned fire, striking the subject multiple times. The subject was treated at the scene and transported to Harborview Medical Center.
2017-219301 **Type III – OIS (Fatal)** **2 involved Officers** ***Subject Black female, age 30***	North	Officers responded to investigate a reported burglary that was called in by the subject. Aware of one prior threat against law enforcement officers, two officers responded. Several minutes into the call, the subject suddenly armed herself with two knives and advanced on the officers. When the subject continued to advance despite orders to "get back," both officers fired on the subject. The subject was pronounced deceased by Seattle Fire personnel. *Note: a more detailed discussion of this incident, and the Force Review Board determinations, can be accessed at* http://spdblotter.seattle.gov/wp-content/uploads/2017/12/SPD-Force-Review-Board-Officer-Involved-Shooting.pdf.
2017-231132 **Type III** **1 involved Officer** ***Subject White male, age 24***	West	Officers who had arrested an individual at the Union Gospel Mission the prior day returned to the UGM to update staff on that subject. As officers were exiting their patrol car, an individual ran towards them, followed by the subject. One officer witnessed the subject throw the individual to the ground. That officer ran around the patrol car and grabbed the subject from behind, by the shoulders, to arrest him for the assault. As the officer attempted to turn the subject towards the west wall of the UGM, the subject stumbled forward, striking his head on a metal pole of scaffolding set up in front of the UGM. The subject reported that he lost consciousness; witnesses to the incident reported that he did not. Regardless, due to the injury sustained, FIT responded.
2017-240752	KCJ	Per agreement with the King County Jail that FIT will investigate all in-custody deaths, FIT responded, along with Homicide, to investigate an apparent suicide at the jail. It was determined that

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Incident No.	Precinct	Event Summary
In-custody Death		the inmate had improvised a ligature in order to hang himself from plumbing in the cell.
2017-303566 **Type III** **2 involved Officers** ***Subject Black male, age 21***	West	Officers responded to a disturbance call in a Belltown parking lot amidst a crowd of approximately 20 youths. As two officers were speaking with the individual who admitted causing the disturbance, other officers pointed out a "Conditions of Entry" sign on the wall of the parking lot to the other individuals and advised them that they needed to leave the private property. One congregant, the subject, was arrested for trespassing. The subject resisted officers, requiring one officer to place him in a "bear-hug" as part of a soft take-down. The subject continued to struggle while on the ground, requiring other officers to assist. FIT was called to investigate the force after the subject claimed that he was choked. The subject sustained an abrasion on his wrist; officers sustained knee and hand abrasions.
2017-319167 **Type III** **2 involved Officers** ***Subject Black male, age 39***	West	Officers responded to a series of calls reporting an individual in walking the wrong way down Fourth Avenue, just north of Westlake Park, in the middle of heavy rush hour traffic. Callers reported that the subject was assaulting bicyclists, pushing them down. The subject was described as a large male, approximately 6' 4", 250 lbs. Two bike officers who were in Westlake Park responded; two other officers responded as well. The bike officers encountered the subject, walking When the bike officers arrived, they observed the subject walking southbound, against on-coming traffic. The officers stopped their bikes approximately 15 feet away from the subject. The subject walked directly to one of the officers, yelling "Who want it? Who want it?" One officer placed his bike as a barrier between himself and the subject. The subject walked into the officer and struck him with his hands. The subject was ordered to get on the ground and advised him that he would be tased if he did not. The subject instead appeared to "square off" with the officers. An officer deployed his Taser, striking the subject in the right hand and right abdomen area. The Taser application was initially effective; the subject went to the ground on his stomach then rolled onto his back. As officers attempted to place him into custody, he recovered and tried to get up, swinging and kicking at the officers. The officer attempted a second Taser deployment, but the cartridge did not fire; the officer turned the Taser off, then on again, and was able to deploy the second cartridge, striking the subject in the abdomen and upper thigh

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Incident No.	Precinct	Event Summary
		area. However, the subject continued to fight them. Another officer used his baton to attempt to control the subject; that, too, was ineffective. Eventually, four other officers arrived at the scene and were able to control the subject, who was taken to Virginia Mason to remove a Taser dart from his hand. It appeared as well that the subject chipped a tooth during this incident. The subject reported that he had smoked PCP prior to the incident, was irritated with his friend and the weather, and did not recall the use of force incident.
2017-327540 **Type III** **1 involved Officer** ***Subject Black female, age 26***	North	Officers on patrol in an unmarked vehicle observed the female subject bicycling with a male companion. One of the officers recognized the subject as having an outstanding King County felony warrant for Identify Theft. After the officers verified that the warrant was still active, they positioned the vehicle in preparation to take her into custody and activated their emergency lights. The subject fled, eluding them. The officers relocated her on NE 66th Street, traveling westbound on the north sidewalk, toward them, downhill at an estimated 10-15 mph. Her front tire was wobbling and appeared badly damaged (it was later determined that she had struck a nearby vehicle while fleeing). One officer stood in front of her to block her path and ordered her to stop. Instead, she continued towards him and attempted to go around him. The officer contacted her left shoulder with a firm push, intending to stop her flight. She fell from her bicycle, sustaining a dislocated shoulder. A search of her backpack incident to arrest revealed ten fixed-blade knives.
2017-330684 **Type II** **2 Officers**	West	During an arrest for shoplifting, the subject fought with responding officers. FIT responded after the supervisor reported that the subject lost consciousness. FIT determined that the subject had not lost consciousness and the case was returned to Patrol for a Type II investigation.
2017-359763 **In-custody Death**	KCJ	A jail inmate hung himself in jail custody. Per agreement with the King County Jail that FIT will investigate all in-custody deaths, FIT responded.
2017-363232 **OIS (Non-Fatal)**	SWAT	Officers responded to a report of a disturbance in which the subject barricaded himself in his home after threatening neighbors with a long gun and firing a shot. After arriving, officers were informed by a witness that the subject was intoxicated and

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Incident No.	Precinct	Event Summary
1 involved Officer ***Subject White male, age 66***		kept numerous loaded guns in his house. SWAT was called, along with a Hostage Negotiating Team negotiator. After several unsuccessful hours of attempting to resolve this incident, SWAT used "flash bangs" (which create a bright light and a loud noise) to encourage the subject to come out of the house. The subject responded with repeated threats to shoot officers. Approximately seven hours after officers first responded, after multiple tactics to encourage the subject's surrender had been unsuccessful, SWAT officers attempted to reposition themselves in front of the subject's house using the armored vehicle. As they moved past the subject's front door, an officer noticed the subject standing in his doorway with a shotgun pointed at the vehicle. The subject fired five 12-gauge rounds, all of which struck the vehicle. One officer fired two shots at the subject, hitting the subject in the hip/buttock area. The subject retreated into the house. As officers prepared additional tactics to remove the subject from the home, the subject engaged in what the officers perceived as "baiting" behavior to encourage the officers to come closer, such that he could open fire. Eventually, the subject put both hands in view and an arrest team was deployed to take him into custody. The subject had a loaded revolver with the hammer cocked back, under his body, at the time of his arrest. The subject was transported to Harborview for medical attention.
2017-374877 **OIS (Non-Fatal)** **2 involved Officers** ***Subject: White male, age 21; White female, age 46; Unknown female, unknown age***	West	Officers responded to a report of a suspicious vehicle occupied by multiple people who were seen loading a handgun inside. Officers were attempting to contact the subjects in the vehicle when the driver of the vehicle drover towards and then past one of the officers, backed up, and then drove off. Officers fired on the vehicle, which fled. The vehicle was later abandoned; the subjects were arrested several days later.
2017-378676 **Type III**	South	The involved officer observed a known warrant suspect with a male companion. When the officer ordered her to stay where she was, she initially began walking away, but then returned when he ordered her to stop. The officer told her several times

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Incident No.	Precinct	Event Summary
1 involved Officer ***Subject Native American female, age 42***		to sit on his vehicle. She did so. The officer was talking with her and her companion while waiting for backup to arrive. The subject suddenly stood up and ran westbound across Rainier Avenue South. The officer pursued her on foot. Concerned based on prior encounters that the subject would be carrying needles, the officer used a push, rather than a takedown, to disrupt her running. The subject, who was extremely intoxicated, was admitted to Harboview for detox. A medical examination also showed a broken middle finger on her left hand and a hairline fracture of the elbow, although medical staff was unable to determine whether the latter was related to the use of force.
2017-400445 **Type III** **1 involved Officer** ***Subject White male, age 35***	South	Officers were dispatched to a fight disturbance in the Goodwill parking lot. Before officers arrived, they received an update that a male had been stabbed. As the officers drove through the parking lot, they observed the subject, the victim of the assault, walking north. The officers called to the subject to stop; he did not acknowledge them and continued walking. He walked up to a parked vehicle and began reaching for the wheel well of a parking vehicle. One officer caught up to him, was able to get his attention, and asked him what had happened. The subject's face was covered with blood, and blood was coming out of his nose and mouth. Officers were in the process of trying to get him to their patrol car to wait for SFD to provide medical attention, when the subject's demeanor suddenly changed and he lunged at an officer, with his arms (covered in blood) open, trying to wrap his arms around the officer. The officers and a King County Sheriff's Deputy took the subject to ground, repeatedly informing him they were trying to get Fire there to help him. The subject then reached out and grabbed an officer's leg, biting his left ankle just above his boot. The officer was able to pull his foot away, but the subject grabbed it again and brought it back towards his mouth. The officer struck the subject twice in the left cheek with a closed fist in order to free his leg from the subject's grip. The strikes were effective and the subject released the officer's leg. The victim had a broken nose and possible concussion from being kicked in the head repeatedly during his attack. In order to release the bite to the officer, the involved officer punched the subject's head repeatedly to gain a release. Due to the injuries sustained during the initial assault, including puncture wounds and a head injury, FIT responded out of an abundance of caution in light of the potential that the use of force had exacerbated pre-existing injuries.

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Incident No.	Precinct	Event Summary
2017-414417 **Unintentional Discharge** **1 involved Officer**	SPD Range	While inspecting officer firearms, an officer unintentionally discharged a single shot from a firearm. No injuries resulted.
2017-427069 **In-Custody Death** **5 involved Officers** ***Subject Native American male, age 53***	North	Officers contacted a subject in crisis in the roadway at N. 105th and Aurora Ave. N. As he posed an immediate danger to himself and others by virtue of his erratic movements in the middle of a busy intersection, officers escorted him to the sidewalk and had to restrain him, as he struggled, while waiting for an ambulance to arrive to take him for a medical evaluation. When the ambulance arrived, the subject was placed in the back of the ambulance; several minutes later, he was observed to be non-responsive, and pronounced deceased. Pursuant to policy, which requires that any in-custody death be investigated and reviewed as a Type III use of force, FIT responded. The preliminary cause of death stated by the Medical Examiner, pending toxicology reports, is excited delirium.
2017-456717 **OIS (Fatal)** **7 involved Officers** ***Subject White male, age 24***	North	On 12/11/2017 at about 2210 hours, the subject committed an armed robbery at Northgate Mall. A short while later, the subject and his female accomplice were confronted by an apartment complex employee for parking illegally in their lot. The subject fired a gun at the apartment manager's feet. The subject and his accomplice fled that scene and the accomplice called 911 from another location to report that the apartment manager had threatened her with a gun. Officers located the subject's vehicle on Holman Ave. N, were able to identify the accomplice from the robbery and harassment incidents, and arrested her, but the subject drove away, leading officers on a pursuit. During the course of that pursuit, the subject fired several rounds at the pursuing patrol vehicle. The subject vehicle eventually crashed in Magnuson Park. Officers located the subject hiding in brush and ordered him to show his hands. The subject refused officers' commands and appeared to reach for his waistband. Believing that the subject was drawing a firearm, officers fired their weapons, striking the subject. The officers provided aid to the subject until SFD arrived to transport the subject to Harborview,

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Incident No.	Precinct	Event Summary
		where he was pronounced deceased. A firearm was recovered from the brush near the subject's body.
2017-470636 **Type III** **1 involved Officer** ***Subject White male, age 31*** **Type II** **2 Officers**	North	During a DUI arrest, officers had to physically extract the subject from the vehicle, which resulted in a broke window. During the removal of the subject, the subject sustained a laceration of his ear. Due to the nature of the injury, FIT responded.

3. FORCE REVIEW UNIT/FORCE REVIEW BOARD

The Force Review Board is a select group of Seattle Police Department personnel which meets regularly to make determinations as to (1) whether a Use of Force investigation is thorough and complete; (2) whether the force was consistent with SPD policy, training, and core principles; and (3) with the goal of continual improvement and ensuring the Department remains abreast of evolving best practices, whether any recommendations are made or other issues need to be addressed with respect to policies, tactics, training, equipment, or otherwise.

The FRB is composed of standing members selected by the Assistant Chief of the Professional Standards Bureau. Only standing members of the FRB may participate in the deliberations and vote during board sessions. These standing members include one representative from the Training Section, three representatives from the Patrol Operations Bureau, one representative from the Audit, Policy & Research Section, and one representative from the Investigations Bureau. The Captain of the Force Review Unit (or Assistant Chief of Professional Standards in the case of an officer involved shooting review) is the standing Chair and casts the final vote if the Board's vote is evenly split. A quorum of four voting members must be present for the Board to review completed cases.[16]

[16] Other observers to the Force Review Board may include Captains and higher, the Department's Chief Legal Officer, representatives from the City Attorney's Office, the DOJ, the Monitoring Team, and a representative from OPA. In

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The FRB includes a non-voting participant from the Crisis Intervention Team to answer issues related to a subject's mental health status, services they might be receiving, as well as assisting the FRB in determining if an officer used "best practices" in de-escalation. Where appropriate, subject matter experts from specialty units (e.g. Canine, SWAT, Communications, or the Range) are asked to attend an FRB to answer any unit-specific questions that may arise.

Case selection for the FRB is determined by policy and handled by the Force Review Unit. All completed Use of Force investigations are forwarded to the FRU using IAPro and Blue Team, a paperless computer system. These cases include Type I, Type II, Type III uses of force, and Firearm Discharges (both intentional and unintentional discharges).

By policy, the FRB reviews all Type III cases. The FRU, comprising a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II use of force reports. FRU staff and FRB members undertake the same inquiry, and apply the same standard of review, as the FRB when reviewing cases. FRU staff and FRB members attend the same annual training involving the objective analysis of force, which ensures that the FRU is conducting a thorough review of their cases consistent with the reviews conducted by the Board.

Type II cases are sent to the FRB by the FRU when any of the following factors are involved:

- Possibility of misconduct;
- Significant policy, training, equipment, or tactical issues;
- When FIT was contacted for consultation and declined to respond or investigate;
- When less-lethal tools were used on the subject;
- When a canine makes physical contact with the subject;
- When the subject is transported to an emergency room.

All cases not selected for FRB review are reviewed by the FRU detectives and their chain of command. The FRU captain makes the final determination based on the FRU's reviews and recommendations. Bifurcating Type II use of force cases allows the FRB to focus its efforts on the more significant cases, such as Officer Involved Shootings, Type III investigations, and serious Type II cases. Additionally, a random 10% of cases reviewed each month by FRU are presented to the FRB for a second independent review – a mechanism to ensure quality control.

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cases involving an officer involved shooting, a citizen observer appointed by the Mayor's Office also attend. These observers may attend FRB meetings, but they are not permitted to vote.

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Figure 22: Force Review Protocol

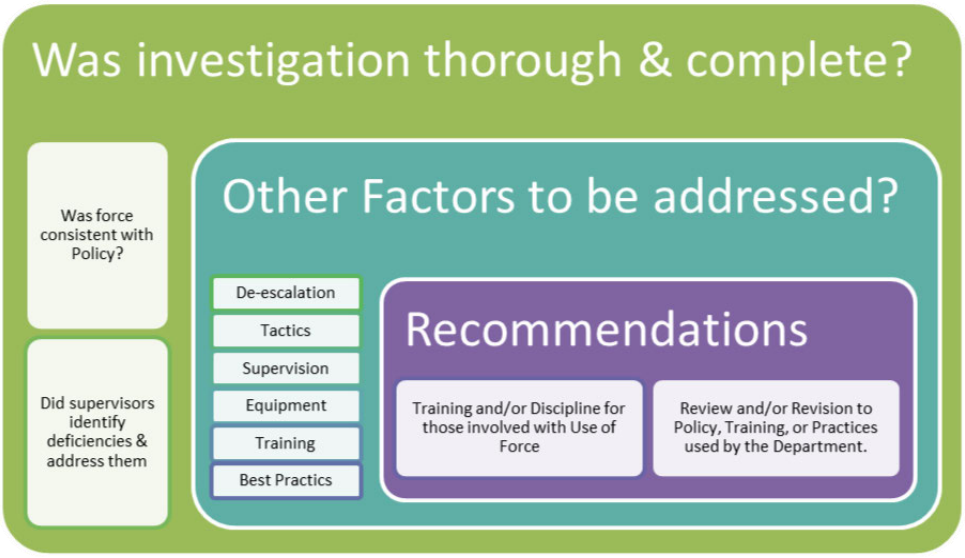


Figure 22 describes the review process for both FRU and FRB. Both look to ensure that the investigation was thorough, timely, and complete, providing all material evidence. Both answer the core inquiries of (1) whether the force was consistent with policy – including an affirmative obligation to de-escalate when safe and feasible to do so, and if there were issues with the force, whether supervisors appropriately identified those issues. The FRU considers – and the FRB discusses – all pertinent factors surrounding the force, including the tactics used and supervision at the scene. FRB determinations are documented and any issues identified are referred to the appropriate commander for follow-up. If policy violations are suspected, the incident is immediately referred to OPA, or to the chain of command if appropriate under Manual Section 5.002, by the FRB Chair or designee, if not already referred by the reviewing chain of command.

It is important to understand what an FRB finding means relative to the question as to whether the force was constitutional. As the United States Supreme Court has long held, whether any use of force is lawful under the Constitution is a case-specific determination, based on the perception of a reasonable officer under the totality of the circumstances present at the time the force is applied, and often a point on which reasonable minds can differ. While the courtroom is generally the forum for determining the *legality* of a use of force, the Force Review Board is a mechanism by which members analyze the broader question of whether the force meets the requirements of policy and training that hold officers to a higher standard of conduct – and care should be taken not to conflate the two. Importantly, SPD policy incorporates both federal and state constitutional thresholds, but holds officers to a substantially higher level of performance and scrutiny consistent with community expectations. Simply put, a finding that force is out of policy does *not* equate to a finding that the force violated the Constitution, but a finding that the force was in policy *does* mean that, in the view of the reviewers, it was also likely lawful.

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4. OVERVIEW

In 2017, the Force Review Unit reviewed a total of 52 cases; the Force Review Board reviewed a total of 133 cases. (Note: "Cases" are based on a single General Offense number, or CAD event; cases may thus involve more than one officer, or more than one use of force, each of which is separately considered.) As ten percent of cases reviewed by the FRU are randomly selected for further review by the FRB, those cases are essentially double-counted in the numbers here. In total, of the 133 cases reviewed by the FRB, ten cases had also been reviewed by the FRU.

Table 13 shows the 171 cases reviewed by the FRB broken down by the highest force level in each case. [17]

Table 13: Breakdown of Cases Reviewed by FRB by Type

Type II	118
Type III	11
OIS	4
Total	133

5. FORCE REVIEW UNIT/FORCE REVIEW BOARD DETERMINATIONS

In 2017, a total of 487 officers were involved in the 185 cases reviewed by FRU and FRB. The numbers below represent the number of officers involved across the cases, aggregated, and the determination as by FRB and FRU as to whether each officer's actions were either approved as consistent with policy or pended while under review by another unit.

Note: Under policy, the FRU/FRB do not make a determination as to any matter that is under investigation by the Office of Professional Accountability. It is thus important to emphasize that the approval/disapproval rate indicated below does not indicate an ultimate determination as to whether the issue under consideration is in or out of policy – a determination that is recommended by OPA following its independent review but ultimately rests with the Chief, informed by OPA review.

a. Use of Force

A breakdown of FRU/FRB determinations with respect to officers' use of force is presented in Table 14.

[17] Again, completed cases are investigated and reviewed at the highest level of force used. A Type III case, accordingly, may also involve Type II or Type I force; a Type II case may also include Type I force.

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Table 14: Force Review Findings by Officer

	FRB	FRU	Total
Approved	288	101	389
Disapproved	3	0	3
Deferred	95	0	95
Total	386	101	487

Across 133 cases reviewed by the FRB, the involved officers' use of force was found to be reasonable, necessary, proportional, and in conformance with the Department's Use of Force Policy in 288, (98.9%) of the 291 instances a determination was reached. In three instances, the FRB disapproved of the use of force; in 95 instances, where a matter had been referred to OPA prior to FRB review, the FRB determination was deferred, per policy, to OPA. Across the 52 cases reviewed by the FRU, the involved officers' use of force was approved in 101 of 101 instances.

b. Tactics and Decision Making

Officers' tactics and decision making through an incident are reviewed for determination as to whether they are consistent with policy (including in-car video and body-worn camera requirements) and training. Included in this review as a separate analysis is a determination as to whether officers complied with the Department's de-escalation policies that require reasonable efforts to de-escalate a situation, where safe and feasible to do so, prior to using force. A breakdown of FRU/FRB determinations with respect to officers' tactics and decision making is presented in Table 15.

Table 15: Tactics and Decision by Officer or Supervisor

	FRB	FRU	Total
Approved	361	101	462
Disapproved	11	0	11
Deferred	19	0	19
Total	391	101	492

Across 133 cases reviewed by the FRB, the involved officers'/supervisors' tactics and decision making were found to be consistent with policy, training, and de-escalation requirements in 361 (97%) of the 372 instances a determination was reached; in 11 instances, the FRB disapproved the tactics and decision making. In 19 instances, the determination was deferred pending review by another unit or OPA. Of the 52 cases reviewed by the FRU, the involved officers' tactics and decision making were approved in 101 of the 101 instances considered. In considering FRU findings, however, it should be remembered that FRU has an obligation to refer to the FRB any Type II case that may involve misconduct or significant policy or tactical issue; as it is the FRB findings that are recorded as the determination of the case, these numbers should not be surprising.

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c. OPA Referrals

The FRU and FRB have an obligation to refer to OPA any serious policy violation, including any violation around use of force, unless already referred by the chain of command. In addition, the OPA Director sits on the FRB, and can independently take any case for further investigation. While OPA will separately report out on its intakes, investigations, and determinations for 2017, a breakdown of FRU/FRB OPA referrals is presented in Table 16. It should be noted that the numbers reported below refer only to referrals made by the FRB or FRU – they do not include OPA referrals from the reviewing chain of command, subjects, or by third-party complainants.

Table 16: OPA Referrals

	FRB	FRU	Total
ICV	1	0	1
Use of Force	8	0	8
Other	9	0	9
Total	18	0	18

As shown, the FRB recommended a total of 18 OPA referrals, eight of which were related to potential violations of the use of force policy (which includes de-escalation). One related to a violation of the ICV policy; an additional nine related to other, non-force-related policies. Again, because FRU is required to refer to the FRB any Type II cases that involve a potential policy issue or misconduct, the absence of any referrals from FRU to OPA is to be expected.

d. On-Scene Supervision

FRU and FRB consider as part of their reviews whether an SPD supervisor (Sergeant or above) was on-scene prior to the use of force, and if so, whether the supervisor provided appropriate tactical guidance and support during the incident. If a supervisor was not on-scene during the incident but responded thereafter, the FRU and FRB consider whether there were any issues with the on-scene portion of the use of force investigation. A breakdown of FRU/FRB findings relating to on-scene supervision is presented in Table 17.

Table 17: On-Scene Supervision

	FRB	FRU	Total
Approved	108	8	116
Not Approved	7	0	7
Deferred	4	0	4
Total	119	8	127

Of the 119 instances in which a case reviewed by the FRB involved an on-scene supervisor present and able to offer tactical guidance and support, the FRB approved the supervision in 108 instances; the FRU approved the on-scene supervision in all 8 of the applicable cases it reviewed.

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e. Use of Force Investigations and Chain of Command Reviews

In addition to considering matters relating to the use of force incident itself, the FRB and FRU consider the timeliness and thoroughness of FIT and chain of command investigations and reviews, including whether FIT or the chain of command appropriately identified and addressed any deficiencies in training, performance, equipment, or policy issues. A breakdown of FRU/FRB findings relating to FIT and chain of command investigations and reviews is presented in Table 18.

Table 18: FIT/Chain of Command Reviews

	FRB	FRU	Total
Approved	383	165	548
Not Approved	95	8	103
Total	488	173	651

Of the 133 cases considered by the FRB, the FRB approved the FIT chain of command investigation and review in 383 instances, and disapproved the investigation or review in 95 instances. Of the 52 cases reviewed by the FRU, the FRU approved the chain of command investigation and review in all but 8 of the 173 instances considered.

f. Type 1 Case Reviews

The FRU is also responsible for conducting quality assurance of each Type I use of force report to determine completeness, timeliness, and accuracy of data entered in the field. The FRU also reviews the chain of command's review of the incident; if any deficiencies are noted, the reviews are returned to the chain of command for additional work.

In 2017, the FRU processed 787 Type I cases involving a total of 1215 officers. Of these:

- 44% involved the reporting of Handcuffing Pain Only (536)
- 28% involved the reporting of Pointing a Firearm at a Person: (344)
- 38% involved complaints of Pain only, NFDD or multiple types of Type I force used (335)

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ADDITIONAL LINKS

As the Department continues to build on its technical capacity to provide more rigorous analysis around its operations, the Department remains committed to providing the public with as much transparency and accessibility into its data as it can within the bounds of the privacy interests of the community we serve. In last year's use of force report, the Department noted the release of its public facing use of force dashboard, through which the public can explore for itself officers use of force across type, geographical area, subject demographics, and time, as shown in the below screenshot (see https://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dashboard). To supplement this dashboard, recognizing that the Department's response to persons in crisis – a subject to which the Department separately dedicates detailed annual reports[18] – remains among the Department's highest demands, in 2017 the Department implemented its Crisis Contact Dashboard, through which rates of force involving persons in crisis can likewise be parsed across various metrics. See https://www.seattle.gov/police/information-and-data/crisis-contacts/crisis-contact-dashboard. The Department encourages public exploration of these dashboards, its public data sets, and looks forward to continued collaboration with community, city, and academic partners nationwide to continue to reform and refine the practices that have solidly positioned Seattle at the leading edge of 21st century progressive policing.

[18] See, e.g., https://www.seattle.gov/Documents/Departments/Police/Publications/Crisis_Intervention_Report-2016.pdf.

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ATTACHMENT A

Seattle
Community
Police Commission

Our city. Our safety.
Our police. Better together.

December 8, 2017

Dear Judge Robart,

Your Honor asked the parties, and invited the Community Police Commission (CPC), to comment on whether the Force Review Board's (FRB) reported conclusions with respect to the shooting death of Charleena Lyles, as well as the agreement between the City of Seattle and the Seattle Police Management Association (SPMA), specifically concerning arbitration, should affect the Court's deliberations in ruling on the City's motion to find it in full and effective compliance with the Consent Decree.

We appreciate the opportunity to comment, and we submit the following for your consideration.

FORCE REVIEW BOARD CONCLUSIONS IN THE CHARLEENA LYLES CASE

Ms. Lyles's death has been deeply felt throughout Seattle and beyond. The fact that Ms. Lyles called the police for help but ended killed by police in front of her children is a tragedy.[1] The CPC is determined to fully understand the incident; bring to light any lessons concerning SPD training, policy, and/or tactics; and push for changes in areas that emerge as promising or necessary.

Our view continues to be that Seattle is in full and effective compliance with the Consent Decree. As explained below, we doubt the FRB is the optimal arrangement for the investigation of deadly force by SPD officers. But SPD nonetheless is in full compliance with the Consent Decree, because the FRB was designed under the decree and SPD has implemented the FRB process that this Court approved.[2]

Although we question whether the FRB as presently constituted should be the way in which instances of deadly force by SPD officers are investigated, this has nothing to do with the skill or dedication of those who comprise that Board. No matter the quality of those investigations or the fairness and integrity of the investigation process, the fact that it is entirely internal to SPD weakens the credibility of the findings. For this reason, after the Seattle Consent Decree was in place, President Obama's 21st Century Policing Task Force

[1] The events of June 18, 2017, when Ms. Lyles was killed, were preceded by another instance in which she called for help on June 5, at which time she was arrested after she reportedly threatened officers with scissors. Though thought by officers to be mentally ill, she then spent nine days in jail before being released on June 14. Many have observed that, even prior to June 5, public officials, social service organizations, and the justice system might have responded differently to a chain of events involving Ms. Lyles and so avoided this tragic outcome. SPD and its officers are not the only entities whose actions with Ms. Lyles should be scrutinized.

[2] Docket 204, Memorandum Submitting Updated Force-Related Policies, and Docket 225, Order Approving the Parties' Updated Use of Force Policies.

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recommended that police departments commit to having deadly force incidents investigated through processes external to the police department.[3]

Recognizing this, the City included a provision in its accountability reform legislation requiring the CPC to convene a stakeholder group to assess the feasibility of an entirely external incident investigation process. The CPC has identified possible participants, and will soon finalize the composition of that group, which is to begin its work in early 2018. We will invite the Monitoring Team and the U.S. Attorney's Office to observe and participate in these discussions.[4]

Despite our view that an external process should be explored, we are mindful that the FRB process was developed under the Consent Decree, looking to then-existing best practices, and SPD's use of that process is in compliance with the Consent Decree, even as community-led advocacy may call for a different approach. Rather than signifying non-compliance, this situation highlights the ability of the new oversight and accountability structures to respond to evolving events and recommend appropriate changes. That is the hallmark of a healthy and functioning oversight system.

Should the stakeholder group conclude that an external investigation process is both desirable and feasible, the next step would be to submit its recommendations to the City, the United States, and the Monitoring Team for possible changes to the present FRB process. We recognize that changes of this nature would require approval of the Court during the pendency of this case.

SEATTLE POLICE MANAGEMENT ASSOCIATION CONTRACT

While the SPMA contract is not in all respects as we would have wanted it to read, its departures from our recommendations and from provisions of the accountability ordinance do not mean that the City is not in full and effective compliance with the Consent Decree.

The SPMA contract differs in some important respects from the accountability ordinance. However, we were glad to see that it incorporates certain core components of the ordinance, particularly those that touch on SPMA's "body of work," accepting the transfer of all supervisory positions in the Office of Police Accountability (OPA) from sworn officers to civilians.

Importantly, the new SPMA contract accepts all provisions of the accountability ordinance, except where bargained terms in the contract expressly differ from those in the ordinance.[5] The contract is silent on many points addressed in the ordinance, so in these areas, the ordinance unquestionably controls. On some points, the contract addresses the same content as the ordinance, but uses different wording. Some or all areas of non-alignment may be resolved, in consultation with SPMA, at the point when the ordinance is updated to conform to the contract and an eventual contract with the Seattle Police Officers Guild (SPOG), to eliminate any lack of clarity regarding the "rules of the road."

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[3] President's Task Force on 21st Century Policing. 2015. *Final Report of The President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. Action Item 2.2.2, page 87.

[4] The CPC first identified the need for this conversation with the Monitoring Team in the spring of 2016, after the shooting death of Che Taylor. At that time community members expressed mistrust of the FRB findings in the Taylor case because "the police were investigating themselves." We look forward to the Monitoring Team's insights on this topic during the planned stakeholder conversations.

[5] SPMA contract, effective 1/1/14-12/31/19, Appendix B, page 56. (The CPC understands that the City is submitting the contract to the Court as an appendix to the City's December 8, 2017 filing.)

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Alignment via clarification of ordinance language may address a specific question raised by the Court concerning dual appeal routes after the Chief imposes discipline, one being through a reformed Public Safety Civil Service Commission (PSCSC) and the other through arbitration. In this regard, the area that has received the most public attention is whether the arbitration route will be closed to the public (the PSCSC is open by statute). The SPMA contract provides that the rules of the American Arbitration Association (AAA) will apply.[6] The AAA Manual of Labor Arbitration Rules states that "the arbitrator . . . shall maintain the privacy of the hearing *unless the law provides to the contrary*."[7] Public statements indicate the intent of the parties was that these arbitration appeals in discipline and misconduct cases be open to the public, which is consistent with the accountability ordinance requirement that post-disciplinary appeals proceedings be open to the public.[8] This intent can be reinforced in the updated ordinance.

A more fundamental issue is that the SPMA contract failed to secure one of the objectives of the accountability legislation—the elimination of multiple routes for appeal. Multiple routes of appeal can result in "forum-shopping" to obtain a favorable judgment. We believe City leaders may have overstated how effective a randomized and re-randomized list of arbitrators will be in preventing "forum-shopping." There will still be pressures on arbitrators to "split the baby" in order to continue to be selected for this work, as each party can veto one arbitrator from the top of the list in each case.[9] An arbitrator could reasonably believe that, if the arbitrator found for one party in one case, the other party would never again allow that arbitrator to be selected for this body of work. It is also more likely different standards and practices will apply to different cases, whether unintentionally or by design, depending on the appeal route taken.

Although the SPMA contract does not achieve the post-discipline appeal structure the CPC recommended or that the accountability ordinance established, that failure does not take the City out of full and effective compliance with the Consent Decree. The decree did not address the issue of post-disciplinary appeals or, indeed, most aspects of the discipline system. The issue of dual appeal tracks was identified by the OPA Auditor, the CPC, and the Mayor's special advisor on policing issues, in the winter/spring of 2014, in response to a set of events that did not feature in the Consent Decree or monitoring process.[10]

The contract language might be at odds with another accountability ordinance provision that permits the OPA Director to consult with criminal investigators in some of the most serious cases of alleged police misconduct. This was intended to ensure that neither OPA's administrative investigation nor a criminal investigation that might lead to criminal charges against officers are compromised. A goal of the ordinance was to allow strategic coordination between OPA and criminal investigators, but the contract contains a provision barring OPA from "influencing" a criminal investigation, which might or might not be read to prevent such strategic coordination. Again, however, we believe it possible that an update of the ordinance to align with the SPMA contract and an eventual SPOG contract may reduce or eliminate this concern.

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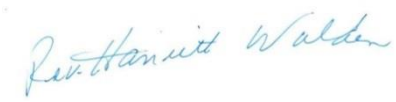
[6] SPMA contract, effective 1/1/14-12/31/19, Article 15, Item 15.6.D, pages 29-30.
[7] Labor Arbitration Rules, American Arbitration Association, effective 7/1/13, Section 21, Attendance at Hearing, page 13.
[8] Dan Nolte, *Mayor Burgess, Councilmember González celebrate Council adoption of SPD leadership labor agreement* (Nov. 13, 2017), http://mayorburgess.seattle.gov/2017/11/mayor-burgess-councilmember-gonzalez-celebrate-council-adoption-of-spd-leadership-labor-agreement/#sthash.4O23G46z.dpbs.
[9] SPMA contract, effective 1/1/14-12/31/19, Article 15, Item 15.3.B, page 28.
[10] Bill Lucia, *Police discipline: The making of a crisis*, Crosscut, Apr. 3, 2014; Bill Lucia, *Police discipline: Trying to quell a crisis*, Crosscut, Apr. 11, 2014; and Steve Miletich, *Big changes urged in SPD discipline cases*, Seattle Times, Apr. 5, 2014.

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The SPMA contract negotiation process and the end result it yielded reinforce the importance of having the City's police oversight agencies closely involved in reviewing the City's approach both prior to and during contract negotiations, an involvement the CPC has long recommended. Had the CPC and OPA consulted with the City's bargaining team throughout, wording differences and lack of clarity between the SPMA contract and the accountability ordinance might have been avoided or handled in a way that better served accountability goals. Relying on these technical advisors on accountability issues would also be valuable in informing ongoing negotiations with SPOG. However, again, this issue does not bear on whether the City is in full and effective compliance with the Consent Decree.

The CPC thanks the Court for its consideration of this information.

Respectfully submitted,



Rev. Harriett Walden, Co-Chair
Community Police Commission



Enrique Gonzalez, Co-Chair
Community Police Commission



Isaac Ruiz, Co-Chair
Community Police Commission

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SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: John Diaz
Chief of Police

DATE: February 15, 2011

FROM: Clark Kimerer
Chief of Staff

SUBJECT: **FINAL REPORT AND RECOMMENDATIONS, FIREARMS REVIEW BOARD #10-03**

In accordance with Seattle Police Department Manual, Section 11.030, a Firearms Review Board (FRB) was convened on Monday, October 4, 2010 at 0900 Hrs. to investigate and review the circumstances surrounding the firearm discharge on August 30, 2010 at Howell Street and Boren Avenue by Seattle Police Officer Ian Birk, #7507.

FIRST CONVENING OF FRB #10-03 ON OCTOBER 4, 2010

Members of FRB #10-03 were as follows:

Deputy Chief Clark Kimerer, Chair
Captain Richard Belshay, Homeland Security Section
Captain James Dermody, East Precinct
Lieutenant Scott Bachler, Training Section
Rebecca Roe, Citizen Observer
Sergeant Rich O'Neill, Bargaining Representative Observer

Also in attendance was SPD Legal Advisor Renni Bispham.

The investigative file was distributed to all FRB #10-03 members in advance of the hearing.

It is the policy of SPD that every officer involved shooting which results in a death will have a Deputy Chief assigned as chair of the Firearms Review Board. As Chair, I personally selected the voting members of FRB #10-03. The nature of this officer involved shooting incident clearly indicated that training, tactics and policy would all be focal points of the inquiry and deliberations of this FRB. Both Captains Dermody and Belshay have extensive tactical experience at both the practitioner and command levels, and have served on the SPD SWAT Team, as have I. In addition, Captain Belshay has commanded the Training Section. Captain Dermody currently commands a patrol Precinct (East). Finally, Lieutenant Bachler has held positions in both the Audit and Policy Section and is currently assigned (as he has been for the last several years) to the Training Section.

In preparation for FRB #10-03, I directed Homicide Lieutenant Steve Wilske, who oversaw the investigation, to undertake a thorough records search to ascertain if there had been any contact

documented between Officer Birk and John T. Williams in the past. No documented contacts were found. Throughout the investigation by the Homicide Section, Assistant Chief Jim Pugel and I were regularly briefed, and the investigative file – as it was being assembled – periodically reviewed. Both Assistant Chief Pugel and I made various requests for follow-up or clarification.

In addition, I asked Sgt. Tom Ovens of the Training Section to provide a comprehensive overview of the use-of-force training curriculum objectives and philosophy in effect when Officer Birk attended the Basic Law Enforcement Academy, SPD Post-Basic Training and Field Training. Sergeant Ovens supervises use-of-force training for the SPD Training Section. The summary he authored was distributed to all voting members and observers of FRB #10-03, and is attached to this memorandum. Sergeant Ovens provided testimony and responded to FRB member questions at the October 4, 2010 hearing.

FRB #10-03 commenced with a site visit to the intersection of Howell Street and Boren Avenue at 0900. FRB #10-03 members Kimerer, Belshay, Dermody, and Bachler were present, as was Citizen Observer Roe. The site visit was coordinated by SPD Investigating Detectives Jeffery Mudd and Timothy Devore. Other Homicide Unit and CSI Detectives were present to answer FRB #10-03 questions, as was Homicide Unit Lieutenant Steven Wilske. The purpose of this site visit was to walk through the incident scene, obtain perspective and pose questions to investigators. Following this site visit, FRB #10-03 convened at SPD Headquarters, 610 5th Avenue, in the lower-level conference room at approximately 1000 hours. At this time, the investigative summary was presented by Homicide Detectives Jeffery Mudd and Timothy Devore. Crime Scene Investigative Unit (CSI) Detectives were also present to answer questions.

The investigation into this incident, and resulting file, was one of the most exhaustive which I have seen in my career, which included involvement in over 50 Firearms Review Boards. This observation is validated by the peer review undertaken at your direction by the San Diego and Austin Police Departments.

Following presentation of evidence from Homicide and CSI, civilian witnesses Amy Stires and Erica Schmidt were asked to voluntarily testify. (Witness Deanna Sebring was also asked to voluntarily testify, but was unable to attend the hearing). It is within the rules of the SPD FRB process that – at the discretion of the Chair – incident witnesses may be asked to appear before the FRB and provide testimony and information. This is rarely done, as officer involved shooting investigative files include witness statements, most often transcribed from a detective interview. As Chair, I wanted FRB #10-03 to have the most exhaustive range of testimony and information available to the voting and non-voting members. While the testimony of witnesses Stires and Schmidt was entirely consistent with their transcribed interviews, their appearance served the important function of helping validate the accuracy and completeness of the investigative file. As the SPD FRB process is administrative and does not

include subpoena powers, the willingness of witnesses Stires and Schmidt to voluntarily appear and give testimony was commendable, and the Department extends its sincere appreciation to them.

Following the investigative summary and testimony of two civilian witnesses, Officer Birk was asked to testify. At the conclusion of Officer Birk's testimony, and following extensive questions from the members of FRB #10-03, the Board members relocated to the Chief of Police Conference Room, 8th Floor of SPD Headquarters, to begin discussion and then, following dismissal of FRB #10-03 Observers and the Department Legal Advisor, Renni Bispham, begin formal deliberations.

By policy and past practice, a SPD Firearms Review Board is asked to submit findings in response to a set of standard questions. These questions, as well the overall format of the FRB, were presented to both the voting members and observers at the beginning of FRB #10-03, including distribution of the "Firearms Review Board Protocol" and "Firearms Review Board Procedure Guidelines-Findings-Recommendation" publications (copy attached). I personally went over all facets of the roles and responsibilities of the voting members and observers at the beginning of FRB #10-03, and on several occasions during the process. The preliminary findings and recommendations of the voting members of FRB #10-03 on October 4, 2010 were unanimous, as follows:

1. **The firearms discharge occurred while Officer Birk was on-duty.**
2. **The firearms discharge was intentional and directed at a person.**
3. **The use of the firearm was not necessary to apprehend a person who the officer reasonably believed had committed, was committing or was attempting to commit a felony.**
4. **The officer did not have probable cause to believe the suspect, if not apprehended, posed a threat of serious harm to the officer or threat of physical harm to others.**
5. **Reasonably effective alternatives to the use of a firearm appeared to exist.**
6. **Considering the circumstances known to the officer at the time, it would have been a reasonable alternative to allow the suspect to escape without resorting to the use of a firearm.**
7. **The actions of the officer contributed to the need to fire.**

The totality of these findings lead to an unequivocal conclusion: The use of deadly force by Officer Birk resulting in the death of John T. Williams was **unjustified**.

I met with Chief John Diaz in person at the conclusion of FRB #10-03, and verbally communicated to him the findings listed above. In my role as both Board Chair and SPD Chief of Staff, I presented Chief Diaz with the following recommendations:

1. **That Officer Birk be relieved of all police authority, and that his Department-issued weapon and badge be surrendered. (It should be noted that Officer Birk was already on administrative reassignment to home, and had not been returned to duty from the time of the incident through October 5th)**
2. **That the incident be referred to the Office of Professional Accountability (OPA) for investigation of excessive force**
3. **That the Training Section undertake a thorough review of use-of-force training as it relates to edged weapons, viz. the so-called "21 foot rule" otherwise known as the Tueller Drill.***

As this incident resulted in the death of John T. Williams at the hand of Officer Birk, the hearing conducted on October 4, 2010 was for the purpose of determining preliminary findings concerning the personnel status of Officer Birk, whether the shooting was justified based upon evidence available as of October 4, 2010, and whether immediate policy or training actions were required in light of the circumstances of the incident. As this fatality incident fell under the jurisdiction of King County, pursuant to Executive Order (PHL 7-1-1) mandating an Inquest to investigate "any death involving a member of any law enforcement agency within King County while in the performance of his/her duties", and consistent with Seattle Police Department Policy as detailed in SPD Manual Section 11.030, FRB #10-03 did not issue a final report and recommendations until the King County Inquest process concluded, and a filing decision by the King County Prosecutors Office was finalized.

Chief Diaz concurred with the recommendations. I communicated the preliminary findings and referred the complaint of excessive force in person to OPA Director Kathryn Olson on October 5th. This referral to OPA was for the purpose of opening a misconduct investigation once the Inquest had concluded and the King County Prosecutor issued a filing decision.

I directed Officer Birk and his bargaining unit representative to meet me in the Human Resources office at 1400 hours on October 5th, at which time I informed him of the Board's preliminary findings and recommendations, and relieved him of all police authority.

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*This analysis preceded the convening of FRB #10-03. In point of fact, COP Diaz directed that the Training Section undertake a top to bottom review of all use of force training - with particular attention paid to the so-called "Tueller Drill" - immediately following the Williams shooting. It is important to emphasize at this juncture that FRB #10-03 found (see Page 3, above) that the "Tueller Drill" was properly taught and has relevance and utility to police officers, but that Officer Birk misapplied it and gave it undue importance in his decision-making process.

RECONVENING OF FRB #10-03

This final report and recommendation is submitted following announcement that the decision of the King County Prosecutor on whether to file criminal charges concerning the actions of Officer Birk would be announced on February 16th. The reconvening of FRB #10-03 was not predicated upon whether the King County Prosecutor intended to file criminal charges, or not. In either event, the conclusions of FRB #10-03 would be the same. Consequently, the voting members of FRB #10-03 – SPD Lieutenant Scott Bachler, SPD Captains Richard Belshay and James Dermody, and myself as Board Chair – reconvened to complete our responsibilities to issue a final report and recommendations

As in the case of the initial, preliminary hearing and review into this incident, non-voting FRB #10-03 members Rebecca Roe, Citizen Observer and Rich O'Neill, SPOG President were provided an opportunity to voice their opinions concerning the evidence and testimony presented during the course of the FRB, but were not involved nor present during either the deliberations undertaken by the voting FRB members assigned to the preliminary review and hearing on October 4, 2010, nor when the voting FRB members reconvened for final deliberations following the decision of the King County Prosecutor to decline the filing of criminal charges.

ANALYSIS

The following analysis of the voting members of FRB #10-03 represents a synthesis of both the October 4, 2010 hearing, the King County Inquest into the death of John T. Williams, and the reconvening of the FRB to finalize the review process. Captain Richard Belshay was assigned by me to attend the King County Inquest, and was present in the courtroom. Captain Jim Dermody also attended the majority of the Inquest. A complete transcript of the Inquest was provided to FRB #10-03 voting members, OPA Director Kathryn Olson and was made available on request to FRB #10-03 observers.

Incident Summary [Provided by Captain Jim Dermody]

To provide context to the analysis and conclusions of FRB #10-03 voting members, a brief summary of the August 30, 2010 incident is in order. As the facts and circumstances of this incident have been presented in various forums in detail, and – moreover – are not in dispute, this summary will be concise.

On August 30th, 2010 Officer Ian Birk #7505 was assigned to the West Precinct, Second Watch David Sector. He was working Unit 2-David-33 as a one-officer car, in uniform and in a marked patrol vehicle, and was patrolling in the area of Boren Avenue & Howell Street just after 4pm.

While facing s/b on Boren Avenue in the curb lane and stopped for the red light with no other car in front of him, Officer Birk took notice of a pedestrian walking in the crosswalk from east to west. Birk noted the pedestrian, later identified as John T. Williams, was approximately ten feet in front of him. Birk reportedly observed a knife in Williams' right hand, while holding a piece of wood in his other and either stabbing or scraping the wood. Birk's impression was that Williams appeared to be under the influence of alcohol or possibly some other substance. Birk also described Williams as he passed in front of Birk's patrol car as either oblivious to his presence or showing complete disregard for it.

Birk's above description of his observation of Williams led Birk to believe Williams' behavior was unusual, causing Birk to be "immediately concerned that [Williams] might be the cause of a disturbance, or pose a potentially lethal threat to other citizens who might be in the area." Birk made the decision to contact Williams in order to "attempt to determine whether or not he might be a risk to himself or others."

Officer Birk activated his emergency lights, notified SPD Radio (Dispatch) he was on a "shake" (which is shorthand for officer contact of suspicious person) and exited his patrol car. Birk drew his weapon, held it in the "Sul" position (a tactical weapon placement, drawing the duty weapon from the holster and positioning it in a "low ready" position in front of the officer's belt to facilitate immediate raising of the weapon to be on-target) and approached Williams as he walked w/b on Howell St. At this point, Williams' back was facing Birk and Birk stated that he could not see Williams' hands.

Officer Birk called out to Williams and Birk later reported that Williams initially ignored or failed to acknowledge his efforts to stop him. In his FRB #10-03 testimony, and again at the Inquest, Birk stated that after multiple attempts to verbally stop Williams, Williams turned towards him "slowly and deliberately." Birk reported that the way that Williams turned toward him "led [Birk] to believe [Williams] was either seriously detached or knew [Birk] was trying to stop [Williams] and [Williams] was attempting to avoid contact with the police." At that point, Birk had closed to approximately ten feet between him and Williams. Birk stated that when Williams began to turn toward him, he was still holding the knife in his right hand and was "brandishing" it in a "very confrontational posture." Birk then noted that Williams' "jaw was set" and his "expression was stern." After ordering Williams to drop the knife at that point, Williams continued to look in Birk's direction with a "serious expression on his face." Birk reported that he again ordered Williams to drop the knife.

Williams did not drop the knife at that point, according to Birk, and Birk testified that Williams' demeanor continued to become more aggressive, noting Williams' fist was tightly clenched around the knife and Williams kept holding it up in front of him as if were preparing to fight. Birk perceived Williams' expression as either noncompliance, defiance or a "thousand yard stare." Birk then notes in his written statement that all of the above are what he learned in training were "pre-attack indicators."

Birk states that at that point Williams "might be considering or formulating a plan to close the distance between [Williams and Birk] and attack [Birk] with the knife." Birk then describes in his statement the "Tueller Drill" (described below) which he calls the "21-foot rule" and notes that he is aware that he is at approximately half the distance described in the above named training drill.

Birk reports that at that moment, he orders Williams a third time to drop the knife, almost yelling at that point. Birk then wrote in his compelled statement the following:

"Knowing that he could attack at any moment, that he had failed to comply with my lawful orders, and that he was so close that he could attack me before I could react, I made the decision to fire. This decision was based on my immediate concern for my own life and the previously mentioned training I have received."

After firing and seeing Williams collapse, Birk notified SPD Radio that shots had been fired and added "The subject wouldn't drop the knife."

Backing Officers soon arrived and an arrest team was assembled with Officer Birk in the lead. Once Williams was secured, SPD EMT Officer Oshikawa-Clay provided First Aid until SFD Medics arrived to take over medical aid.

While on-scene, Officer Birk provided information to an SPD Sergeant for what is called a "Public Safety Statement" as required by Department policy. Homicide & Assault detectives and supervisors as well and CSI (Crime Scene Investigations) were called to the scene to investigate as prescribed by Department policy.

Key Conclusions

The initial decision to stop and speak with John T. Williams based upon the circumstances observed by Officer Birk on August 30, 2010 was justified, appropriate and warranted. Officer Birk was assigned to the patrol sector wherein the fatal encounter with John T. Williams occurred. His observations of a man with a knife on a public street, apparently suffering from some form of impairment, was sufficient justification for any Seattle Police Officer to initiate contact to determine if there was a crime, or a threat to the public. It is central to the duties of a police officer – and a stated priority of the Seattle Police Department – to confront suspicious circumstances and take appropriate steps to ascertain the nature of what he/she observes, and whether a threat exists. Officer Birk has been consistently credible in his belief that it was his duty to determine if John T. Williams constituted a threat to himself or others. His precise observations, which have not been substantively contradicted, include the facts that John T. Williams had an exposed knife, was in a cross walk amidst pedestrians

crossing his path, and that his behaviors were out of the ordinary and suggested impairment. The knife he was using appeared to have an exposed blade. Whether the blade was of a certain length, or was fixed or collapsible, was not known to Officer Birk, and were facts of little material relevance. Officer Birk's intentions, based upon the scant information he had available to him at the time, were honest and appropriate, and in keeping with the mission of the Seattle Police Department. We now know that John T. Williams was a First Nation's carver, and other details of his life which contribute to our understanding of the tragedy of his death, but Officer Birk did not know, nor should he be expected to know, facts and circumstances which came to light only after the incident ended. The community expects that police officers will initiate contacts and put themselves in harm's way to keep them safe, in spite of every reasonable human inclination to avoid risk. Hindsight does not change that essential expectation.

Officer Birk failed to properly identify the circumstances of his attempt to contact John T. Williams, or to follow proper procedures of logging out via radio and requesting back-up. Officer Birk logged out with 911 dispatch on a "shake" - shorthand for contacting a suspicious person - at Boren Avenue and Howell Street. He provided no other details of why he initiated this contact, nor did he convey urgency in his voice or other "clues" in his routine-sounding dispatch. In his testimony at both the FRB and Inquest, Officer Birk suggested that this was in keeping with Department policy and procedures, as well as his training. FRB #10-03 emphatically disagrees. Contacting a possibly impaired man with a knife on a public street demands a full and conscientious description of the situation via radio, both to the inform the 911 dispatcher of the nature of the call (and risk), begin the process of dispatching other units to the call, and broadcast to other officers the nature of the stop, with a view towards eliciting back-up response. Officer Birk intimated in his testimony to FRB #10-03 that patrol officers have some kind of intuition or "sixth sense" whereby they would know the situation he was confronting, based on his elliptical and calm broadcast of being on a "shake". FRB #10-03 concluded that nothing in policy or training would lead a Seattle Police Officer to depend upon this formulation, and the fact that Officer Birk was in the relative safety of his patrol vehicle when the broadcast was made confirms that this omission was inexcusable, and contributed to the tragic events which unfolded. Proper procedures dictate that Officer Birk should have clearly stated that he observed a man with a knife, provided a description and direction of travel, and requested a back-up unit. If this situation originated as a dispatched 911 call, two officers at a minimum would be dispatched, and – training and policy dictate – an arriving officer will wait for the back-up unit to arrive prior to initiating contact. Oftentimes, a dispatched call of this nature would include a request for a Crisis Intervention Team officer and a TASER officer. The realities and expectations of the Department concerning situations of this kind do not change dependent upon whether 911 dispatches a call, or an officer initiates contact (called on "on-view" incident). We now know, and Officer Birk - as a district patrol officer with at least a year on the street - should have known that there were other patrol officers and bicycle officers immediately adjacent to his location (as the aftermath of the shooting incident demonstrated, within 20 seconds);

that there were TASER officers immediately adjacent to his location; that there were Crisis Intervention Team officers immediately adjacent to his location; and that there were Supervisors immediately adjacent to his location. Moreover, the 911 dispatch center tracks the location of all patrol units via Automatic Vehicle Locater (AVL) technology continuously. Back-up will respond quickly if they know the nature of a contact, or if requested. Neither event occurred, and it was within Officer Birk's power and responsibility to affirmatively initiate these events, and not assume they will occur absent explicit information being provided by him via radio broadcast.

Officer Birk did not appropriately assess the potential risks inherent in his attempt to contact John T. Williams, and did not employ proper tactics in light of this risk. The representations of Officer Birk about his view of the threat posed by John T. Williams have been inconsistent. On the one hand, Officer Birk conveyed that he simply wanted to address a suspicious circumstance, with the expected result of a peaceful resolution. At various times he testified that his attempt to contact John T. Williams was part of a community caretaking function. On the other hand, Officer Birk emerged from his patrol vehicle with his handgun at the low ready position, which is not consistent with an assessment that he was confronting a non-threatening scenario. Officer Birk's actions – rather than his testimony alone – are contradictory, specifically his decision to close the distance between himself and John T. Williams, and not assess the cover options immediately available to him (e.g. the substantial signal control box a few steps from the location he fired, as well as the raised parking lot containing numerous vehicles which could be used for cover). FRB #10-03 concludes that these decisions were inappropriate and not consistent with training and proper procedures. Moreover, Officer Birk's actions were incongruous with his characterization of this "shake" as being part of a "community caretaking" function.

Officer Birk did not properly identify himself as a Seattle Police Officer, or provide sufficient direction to John T. Williams to control the situation. Both the in-car video evidence and Officer Birk's testimony establish that at no time did Officer Birk clearly state that he was a Seattle Police Officer, and direct that John T. Williams follow his explicit instructions (viz. "Seattle Police: Stop; Keep your hands visible"... etc.). The fatal encounter, which lasted about 7 seconds, consisted of Officer Birk using a hand gesture and saying "Hey...") to an individual he suspected of being impaired, and who had his back to him, followed by the statement "Put the knife down" repeated quickly three times before 4-5 shots were heard. At the Inquest and FRB #10-03, Officer Birk represented that he had success with a more casual, non-authoritarian approach to contacting suspicious persons. This account is unacceptable, and inconsistent with training and standard patrol procedures. As noted above, this situation was not properly assessed by Officer Birk, and was certainly not (as Officer Birk's actions demonstrated) a low-risk, community caretaking, social contact. Not wanting to appear authoritarian does not negate the fact that Officer Birk was exercising authority, and that his authority derives from being recognized as a uniformed police officer.

During both the Inquest and FRB #10-03, Officer Birk testified that John T. Williams turned his head and looked over his shoulder at him (Officer Birk) prior to and separate from the turn Williams made when he was shot, leading to Officer Birk's conclusion that John T. Williams recognized that he was being summoned by a Seattle Police Officer. (This testimony, by the way, was not consistent with Officer Birk's written statement, which made no mention of William's prior turn towards him, only stating that "I called out to the individual, who initially ignored or failed to acknowledge my efforts to stop him). Whether this belief was correct – and there are ample grounds to doubt it – Officer Birk was not excused from the very basic responsibility to take reasonable steps to ensure that John T. Williams was given sufficient warning that he was being directed by a Seattle Police Officer. Whether or not Williams had the capacity to understand this warning is a question FRB #10-03 is not in a position to answer.

The so-called "21 foot rule" does not constitute a sufficient defense for Officer Birk's decisions. The concept of the "21 foot rule" is a part of virtually every police officer's training, Seattle being no exception. The crux of this training centers upon the well researched and verified phenomenon that an ordinarily capable individual armed with an edged weapon* can cover the distance of 21 (or more) feet faster than an ordinarily capable police officer can mentally process the attack, draw his/her weapon, attain target acquisition and fire two accurate shots. This "rule" is also called the "Tueller" drill, and was authored by Lewinski, now with the Force Science Institute. In point of fact, this is not a "rule" at all -a fact which Lewinski himself acknowledges - rather, it is the description of a well demonstrated physical reality. It is important information for every police officer, and is intended to inform the totality of an officer's decision-making process about the use of force. It was never intended to provide an absolute defense for a use of force directed at any person within 21 feet of an officer. Officer Birk testified the "21 foot rule" was a critical element of his decision-making, both at FRB #10-03 and the Inquest. This

*The questions concerning the functionality of William's knife and its status (i.e. whether it was open or closed) at various points of the incident on August 30, 2010 have been the subject of intense scrutiny. At FRB #10-03, testimony based upon forensic testing was presented which established that the locking mechanism of this collapsible (or "folding") knife was flawed, and that the knife was subject to closing without engaging the spring release mechanism. Testimony at the Inquest, and Birk's own statements, establish more likely than not that the knife was "closed" when secured following Williams being shot. FRB #10-03 heard testimony which satisfied the Board that due care was given to protecting the incident scene, to the point of an officer being assigned to stand guard over the closed knife until relieved by crime scene detectives. While the debate over the status of the knife resulted in various speculations, FRB #10-03 found that Officer Birk based his decisions on the reasonable belief that at the time he first observed John T. Williams, he had in his possession a knife which appeared to be open and that this knife was a potentially deadly weapon. The Board concluded that Birk had no reason to believe that this dynamic had changed at the time he used deadly force. Other theories and conclusions are not materially relevant to FRB #10-03, and are speculative, at best.

being said, FRB #10-03 did not find the essential elements of this so-called "rule" – actually a guideline, or, more properly, an informative description of statistically probable outcomes – were applied in an inconsistent and contradictory manner by Officer Birk to explain his decision to use deadly force. First, it was Officer Birk who closed the distance between himself and John T. Williams - including a voice command and gesture for Williams to come towards him even as he was advancing on Williams - stopping at a little under 10 feet; second, William's back was turned to Officer Birk, and consequently he did not have the element of surprise which makes up a substantial part of the reaction phenomenon which underpins the 21-foot guideline; third, Officer Birk had his weapon drawn and in a low-ready position, which is designed to quickly facilitate the process of obtaining target acquisition; and fourth, the actions of John T. Williams did not materialize to the point of moving from "pre-attack" to a fully developed attack. (This last point will be discussed in the next, and final, statement of Key Conclusions) FRB #10-03 was unable to justify the employment of this guideline by Officer Birk in light of the fact that Officer Birk, fully aware and articulate in his recounting of this guideline (as evidenced by his reliance on it to explain his decisions) apparently chose to ignore it in his decision to close the distance between himself and John T. Williams. Disregarding a guideline and then relying upon it as a defense is contradictory. In a real sense, Officer Birk created the situation which he claims he had to use deadly force to get out of. The fact should be reemphasized that relying upon the "Tueller Drill", "21 foot rule" or other such practical guidelines to explain and defend the actions of Officer Birk, is inconsistent with training and sound patrol procedures.

At the point Officer Birk decided to use deadly force, FRB #10-03 concluded that John T. Williams had initiated, but had not fully completed, actions which would have predicated a justifiable use of deadly force. The Board could not concur with the perspective of Officer Birk that John T. Williams was in the process of initiating an attack which could plausibly lead to an imminent threat of death of serious bodily injury. This conclusion was reached even though FRB #10-03 could not dispute that that the so-called "pre-attack" indicators described by Officer Birk were perceived by him to be immediate and credible, inasmuch as that 1. Board cannot presume to enter Officer Birk's mind at the time of the incident; and, 2. the RCW allows that "a peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section". (It is important at this juncture to note that FRB #10-03 did not find that Officer Birk acted with malice, although it should be emphasized that the purpose of this review is administrative, and the FRB is not charged with determining criminal fault) The question which was the focus of the Board's attention was whether John T. William's actions crossed the threshold between being "pre-attack" and *actual* attack. Forensic evidence provided during FRB #10-03 established that John T. Williams was likely perpendicular to the stance of Officer Birk, or just initiating a turn to face him. Four rounds from Officer Birk's duty weapon struck John T. Williams at points of impact and trajectories which indicate that Williams presented his profile – or right side – to Officer Birk. In Officer Birk's testimony, this orientation,

coupled with William's apparent refusal to drop the knife, was sufficient to establish an imminent threat requiring the use of deadly force. In the view of FRB #10-03, however, Officer Birk's decision to use deadly force was premature.

The above findings, and the last key conclusion in particular, find their basis in the overarching Seattle Police Department guideline concerning necessary use of force, which is taken verbatim from the Revised Code of Washington: "No reasonably effective alternative to the use of force appeared to exist, and the amount of force used was reasonable to effect the lawful purpose intended."

FRB #10-03 FINDINGS AND RECOMMENDATIONS

As stated above, on February 14, 2010, following review of the transcripts of the King County Inquest, and upon being informed that the King County Prosecutor was going to announce a filing decision on February 16, 2010, the voting members of FRB #10-03 reconvened to conduct final deliberations. Based upon this review, and in light of the Key Conclusions listed above, FRB #10-03 unanimously concluded that the discharge of a firearm by Officer Ian Birk to be **unjustified and outside of policy, tactics and training.** The initial findings of the October 4th convening of FRB #10-03, found on P. 3 of this memorandum, remain unchanged.

My final thoughts are intended to provide context for the next steps in this investigation. First, and foremost, as a result of these findings and recommendations, **Officer Birk must remain stripped of all Seattle Police powers and authority**, as he was on October 5th, 2010 when he surrendered his gun and badge.

At this point in the investigation of the actions of Officer Birk by the Department, only two steps remain: First, to allow Officer Birk the opportunity to provide a statement to the Office of Professional Accountability, and for Officer Birk to have the opportunity to speak with you at a Loudermill hearing. It is important to emphasize these long-standing and well-established constitutional protections are matters of law, not Departmental preference, and that the consequence of not adhering to these rules is the risk of having your decision overturned. However frustrating this process has been, due process and adherence to law must prevail. I doubt that these tasks will consume more than several more weeks. Therefore I recommend that the Department undertake the last remaining due process requirements concerning the OPA investigation into the actions of Officer Ian Birk, and complete them with all deliberate speed and thoroughness.

CHIEF OF POLICE REVIEW/COMMENTS/CONCURRENCE/DATE:

Attachments: Overview of SPD Force Training
"Firearms Review Board Protocols" et al.

Cc: **FRB Voting Members, SPOG and Civilian Observers**
Assistant and Deputy Chiefs
Legal Advisor
Kathryn Olson, OPA Director
file

Report of Sgt. T. Ovens
Re: Training of a Seattle Police Officer

At the request of Chief Kimerer, I have reviewed police training as it pertains to a relatively new Seattle police officer. I have also compared this training or knowledge to state and local standards of training to the best of my ability based upon my training and experience. I have limited this review to patrol procedures, defensive tactics, use of force and the use of firearms.

Training Summary:

1. A new police officer for the Seattle Police working uniformed patrol has undergone a multi-step process of selection and training before being released to work on their own. Once selected, the new Seattle police recruit attended limited training prior to attending the Basic Law Enforcement Academy, BLEA. Once the recruit successfully graduated from BLEA, they entered into Post BLEA training with the advanced training unit of the Seattle Police Department. Once, the recruit completed POST BLEA training, they entered into the field training program.

2. BLEA is located in Burien and run by the Washington State Criminal Justice Training Commission. BLEA staff is comprised of a combination of civilian personnel and police officers. The officers come from various law enforcement agencies within the State. Academy curricula and lesson plans are set by personnel who work at the CJTC site and are instructed by the police officers that make up the BLEA staff.

3. A new police officer received 720 hours of training at the BLEA. The basic academy consisted of thirteen modules of training. The modules were as follows:

Module Name:	Hours:
Module 01-Academy Orientation	54
Module 02-Suspicious Circumstances	42
Module 03-Disturbances	54
Module 04-Traffic Enforcement	91
Module 05-Property Crimes	66
Module 06-Crimes Against the Elderly	31
Module 07-Crimes Against Persons	52
Module 08-Sex Crimes and Crimes Against Children	31
Module 09-Unusual Occurrences	47
Module 10-Administrative	19
Module 11-Force and Fitness Training	107
Module 12-Firearms Training	86
Module 13-Emergency Vehicle Operators Course	40
	720

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4. A new recruit received several different types of force training at the BLEA. This force training involved physical training in empty hand techniques, using an expandable baton, OC spray, using firearms and class room training in use of force, defensive tactics, and firearms. The force and fitness module covered defensive tactics, OC spray, expandable baton and use of force. In the force and fitness module the officers received four hours of classroom instruction on "Use of Force Decision Making." They received 36 hours of skill training on control tactics, striking, handgun retention, ground control, and ground survival. They received 6 hours of training in using the expandable baton and 8 hours in the use of OC spray. The remaining hours of the 107 hours in the force and fitness module was devoted to physical fitness training, physical fitness testing, defensive tactics scenarios, skill testing, and a written exam.

5. Additionally, in the orientation module the new recruits received three hours of training on handcuffing and three hours of instruction on the legal use of force, self-defense and control tactics.

6. In Module 12, Firearms Training, a new recruit received a four hour orientation, training on the fundamentals of marksmanship, low light shooting, using cover, using the firearm with one-hand, close quarter battle training, simulator training and they used simunitions in dynamic training. In my experience, simulator training and training with simunitions typically involves decision making as well as the physical skills involved with using the firearm. Simunitions training involves the use of modified firearms that fire a marking cartridge instead of regular ammunition and allow an officer to conduct training against role players in a more realistic manner than without simunitions.

7. BLEA classroom instruction on use of force decision making focused on teaching the recruit a decision making model that emphasized several key concepts. Essentially, the new recruit was taught to evaluate their use of force options using the following four part criteria: tactically sound, feasible, permissible and timely.

   A tactically sound use of force option enhances officer safety, enhances the safety of bystanders, gives the officer(s) an advantage and creates a disadvantage for the suspect(s) within the limitation that police work is dangerous. New recruits were also taught that a poor tactical choice is not necessarily the use of unreasonable force. The recruit was also taught that it is generally a poor tactical choice to use less than reasonable force. For example, if the officer had a reasonable belief that the suspect was about to punch them it would be a poor tactical choice to continue to use only verbal commands.

   A feasible force option is one which the recruit has the skills necessary to perform the force options, they also have the physical capability to perform the force option, they are in the correct environment for that particular force option, they have the necessary tools or equipment, it is practical, and it achieves the desired law enforcement objective.

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A permissible force option is one that is allowed by department policy, state law and federal law. The new recruit was taught that they must learn their department policy on use of force. They were taught that the following about department policy: that it may be and often is more restrictive than the law, that a violation of policy may lead to discipline and liability, that it cannot replace the law and is not intended for external use, that they need to know both the policy and the law and that it may be out of date or negated by new case law.

The new recruit was taught RCW 9A.16.020, Use of force when lawful, RCW 9A.16.010 which defines both necessary and deadly force, and RCW 9A.16.040 Justifiable homicide or use of deadly force by public officer, peace officer, person aiding. A considerable amount of time was spent emphasizing the relationship between criminal procedure and use of force decision making.

The new recruit was taught the two seminal federal cases regarding use of force: Graham v Connor and Tennessee v Garner. Under Graham v Connor they learned that use of force, deadly or not, during an arrest, Terry stop, or other seizure of a free citizen must be objectively reasonable. The analysis is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The analysis of reasonableness must embody an allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. They were also taught that the analysis must include a careful analysis of each particular case including the following: including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Additionally, new recruits learned that they could consider the following: tactical considerations, feasibility, officer and suspect comparisons; suspect Intoxication-drugs and/or alcohol, officer injury or exhaustion, weapons including theirs, third party involvement, consequences of inaction, special knowledge about the suspect, location, environment and nature of the police operation.

Under Tennessee v Garner a new recruit learned that apprehension by the use of deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement. That to determine whether such a seizure is reasonable, the extent of the intrusion on the suspect's rights under that Amendment must be balanced against the governmental interests in effective law enforcement. This balancing process demonstrates that, notwithstanding probable cause to seize a suspect, an officer may not always do so by killing them. They learned that where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to

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prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.

The recruits learned that there are two federal standards for the use of deadly force: objectively reasonable under Graham v Connor and "fleeing felon" under Tennessee v Garner. In evaluating the reasonableness of using deadly force, the recruits were trained to look at three main factors: ability, opportunity and jeopardy. Does the suspect have the physical capacity, ability, to inflict serious bodily injury to the officer or another person? Does the suspect or subject have the opportunity to use their ability to seriously injure the officer or another person? Does the suspect's ability and opportunity place the officer or another person in imminent physical danger of serious bodily injury or death? Imminent is defined as pending action and is not the same as immediate or instant. The recruits were trained to take into account the time lag between recognizing the deadly attack, responding to it and stopping it. Recruits were trained that they should not use deadly force if a reasonably safe alternative was available. Reasonable safe alternatives in certain situations might include the use of non-deadly force or less lethal force options, verbal commands or seeking cover. A reasonable officer knows that they are not required to consider alternatives that are not available to them within the time constraints posed by the situation or that would place them in jeopardy. In most cases, a solo patrol officer will not be able to deploy and has been trained not to deploy less lethal force, OC spray or a Taser, or non-deadly force against a perceived deadly threat because if those force options fail someone's life including the officers may be lost. Similarly, seeking cover may not stop the threat to the officer based upon the facts and circumstances of a situation and it will not stop a deadly threat to another person. Verbal commands are used when feasible. A reasonable officer knows that verbal commands are feasible when there is time to employ them before someone gets hurt and they may actually stop the threat.

The last criteria the recruits learned was that use of force decisions are made within the time allowed for the decision. The recruits learned: that the failure to make a decision in the time allowed is in fact a decision to let the suspect(s) dictate the situation, that a force option cannot work if it is preempted by suspect actions, that threatening force you cannot or will not use may be dangerous and allows the suspect(s) to formulate counters to those force options. They also learned that the more time you have to make a decision the more choices you will be able to evaluate and the greater the scrutiny will be on your decision.

8. BLEA training in a different module covered police liability under the public duty doctrine. This training emphasized that if the officer has a duty and fails to perform the duty the officer will be liable for the failure to perform the duty.

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9. Once a Seattle police recruit graduated from the BLEA they entered into Post BLEA training as student officers. Post BLEA training consisted of about 200 hundred hours of training. The purpose of this training was to train them on Seattle specific policies, procedures, practices, report writing and to supplement their basic academy training. The relevant training covered integrated combat and control, tactics, firearms, search and seizure and use of force. Post BLEA tactics consisted of forty hours of training. The training covered tactical concepts, high risk vehicle stops, multiple officer building searches, barricaded suspects, deployment of less lethal force options, and active shooter/rapid intervention. Post BLEA integrated combat and control training consisted of forty hours of training which covered: control tactics, handcuffing, use of the police baton, striking, clinch work, ground survival and ground control. Post BLEA firearms training consisted of three twenty four hours of training which covered: an evaluation shoot, escalation of readiness drills, shooting from and around a patrol car, fundamental shooting techniques, flashlight techniques, one handed shooting, class room training on firearms policies, shooting at moving targets, front sight only shooting, shooting while moving, low light shoot/don't shoot drill, off-duty guns, shooting in a gas mask, draw and speed shooting drills, long distance shooting, and shooting while fatigued. New officers received six hours of instruction on search and seizure and use of force.

10. Upon completion of Post BLEA, a new officer entered into at least 14 weeks of field training. During field training, the new officer was trained, observed and evaluated daily by their field training officer. The purpose of field training was to translate the classroom training into performance in the field. Almost, every agency in the United States uses a field training program with their new officers.

11. Street Skills is in-service training conducted by trainers from the advanced training unit. This year street skills consists of eight hours of ICC training, eight hours of tactical training, eight hours of firearms training and eight hours of perspectives on profiling training. The eight hours of ICC training is skill training split between counter striking and clinch grappling. The eight hours of firearms training is broken down into two four hour blocks covering speed shooting and long distance shooting. Tactics training is broken down into a skills training and drilling. In the skills training officers practice skills they already know and are introduced to new skills such as the tactical pause in room clearing. In the drilling, the officers perform building searches, high risk vehicle stops, rapid intervention and contact/cover exercises. Some of the exercises include: contact with an armed person, removing a person causing a disturbance, handling a fight disturbance, handling a suicidal subject call, handling a suspect who exhibits signs of excited delirium, and handling a DV disturbance with a gun.

12. A new police officer at the Seattle Police Department is typically assigned to uniform patrol once they complete their field training program. During their training they have learned that they have two general duties: respond to calls for service and conduct proactive patrol. While conducting proactive patrol the

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officer is expected to enforce traffic and criminal laws as well as protect the public from hazards.

13. Police officers are trained to observe many indicators of suspicious, criminal and dangerous behavior that are often not noticed or observed by the public. The ability of officers to observe subtle indicators of criminal activity or to perceive a threat to their safety or to public safety becomes more acute with additional training and experience. Often times the public may be completely unaware of the crime in progress or the threat to their safety and it may seem as if the police acted for no reason.

14. A reasonable officer knows that their general law enforcement objectives are: life safety, incident stabilization, preservation of property and criminal investigation. A reasonable officer knows that these objectives are not static or approached in a strictly linear manner. A reasonable officer knows that life safety includes their own life and the life of any bystanders that may be endangered. In my experience, a police officer may leave a position of cover and concealment seemingly to place themselves in more danger when in fact they may be consciously or unconsciously moving to reduce the threat to the public by confronting the threat directly or to get a better angle or back drop. One of the key components of incident stabilization is to isolate the threat and control the threat or suspect.

15. A reasonable officer has been trained that between 11-20% of the officers killed or seriously assaulted in the line of duty were investigating suspicious persons or circumstances according to studies conducted by the FBI. This is also shown by a 1991 NYC study of over three hundred police shootings. The study showed that about 16.5% of their officer involved shootings both where the officers shot a suspect or were shot by the suspect involved suspicious circumstances or investigations, on views, started by the officer.

16. Officers may detain a person to investigate their involvement in suspected criminal activity based upon reasonable suspicion to believe that the person being detained is involved in criminal activity. An investigative detention does not require probable cause to arrest. Reasonable suspicion requires less evidence than probable cause. An officer develops reasonable suspicion through witnesses, their observations, investigation and their interpretation of the facts and circumstances based upon their training and experience.

17. During an investigative detention an officer may control the detainee and the scene of the detention. As the detention becomes more intrusive the officers should have facts or circumstances that balance the additional intrusion on the rights of the detainee with the need for the additional intrusion.

18. Law enforcement officers are trained that certain non-verbal behaviors, body language and circumstances are indicators of a threat to the officer's safety and

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may also be resistance to the officer's procedures and/or commands. These have commonly been referred to as pre-attack indicators. Since at least 2003 BLEA Control and Defensive Tactics training has subdivided "pre-attack indicators" into two subsets. First, are pre-attack indicators which are the following: conspicuous ignoring, repetitive inquiry, excessive emotional attitude or display, looking around, cessation of all movement, known violent history, intoxication, unreasonable, total cooperation, and physical crowding. Second, are pre-attack postures which are the following: hand set, shoulder shift, target glance, thousand yard stare, head drop and taking a bladed stance. Academy training defines pre-attack indicators as early warning signs and pre-attack postures as the attack is imminent.

19. Law enforcement officers have been trained that a suspect holding a weapon which is not a firearm are in jeopardy of suffering serious bodily harm or death from that weapon when the suspect is at 21 feet or less if the suspect attacks the officer with the weapon. This is often referred to as the "21 foot rule" in police training. The 21 foot rule has been a valid concept in police training for over 20 years. The original rule was based upon research done by Dennis Tueller and popularized by Calibre Press in their Street Survival Seminar and Edged Weapons videos. According to the Force Science Research Center, FSRC: "The general premise of the 21-Foot Rule, when accurately stated, says that in the time it takes the average officer to recognize a threat, draw his sidearm and fire 2 rounds at center mass, an average subject charging at the officer with an edged weapon can cover a distance of 21 feet. Thus, when dealing with an edged-weapon wielder at anything less than 21 feet you need to have your gun out and ready to shoot before he starts rushing you or else you risk being set upon and injured or killed before you can draw your sidearm and effectively defeat the attack." The rule has been evaluated nationally, FSRC, by police researchers as recently as 2005. Here are some of the relevant findings in regards to the 21-Foot Rule. "Once an officer perceives a signal to do so, the AVERAGE officer requires 1.5 seconds to draw from a snapped Level II holster and fire one unsighted round at center mass. Add 1/4 of a second for firing a second round, and another 1/10 of a second for obtaining a flash sight picture for the average officer." "The fastest officer tested required 1.31 seconds to draw from a Level II holster and get off his first unsighted round. The slowest officer tested required 2.25 seconds." "For the average officer to draw and fire an unsighted round from a snapped Level III holster, which is becoming increasingly popular in LE because of its extra security features, takes 1.7 seconds." "Meanwhile, the AVERAGE suspect with an edged weapon raised in the traditional "ice-pick" position can go from a dead stop to level, unobstructed surface offering good traction in 1.5-1.7 seconds." A reasonable law enforcement officer has been trained that an edged weapon attack poses a real and serious threat to law enforcement and that a blade less than three inches in length can inflict a deadly wound or disabling wound. Additionally, while most people assume that an edged weapon as being a knife, it can be a razor blade, screwdriver, ice-pick or a piece of broken glass or anything else capable of cutting or stabbing.

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20. Some of the resulting training strategies to deal with the potential threat posed by edged weapons can be broadly classified as unarmed or armed tactics. The first basic tenet of surviving an edged weapon attack as stated above is to be armed. Therefore, a reasonable officer when investigating a situation which may pose a threat to their safety would draw their weapon. Carrying the weapon in the "Sul" position is both accepted and trained at the Seattle Police Department and nationally. Most of the unarmed tactics involve using physical force as in intermediate step to drawing the firearm. For example, in The Tactical Edge by Charles Remsburg, he states: "empty-hand techniques are not the preferred force against knives. In skilled hands, knives can inflict as much or more damage that a bullet....If you see a knife and have time and distance, your sidearm should be out; you are facing deadly force. But at a short distance you may have to perform an intermediate step in order to draw."

21. A reasonable officer has been trained about the effects of their body's natural response to a critical incident on their ability to perform motor skills. A reasonable officer may suffer from a loss of fine motor control, auditory exclusion, tunnel vision, a more rapid pulse, higher respirations, diminished ability to perform higher reasoning, and a temporary inability to recall the events of the critical incident or to put them in the correct sequence.

22. A reasonable police officer has been trained that: "suspect action beats officer reaction." This is true because the while the suspect is acting, the officer must perceive the action, formulate a response to that action and then execute the response. According to one law enforcement trainer: "Dynamic training exercises have repeatedly demonstrated that a suspect in a deadly force confrontation can bring a weapon to bear and fire it before the officer can respond by squeezing the trigger of a weapon already drawn and aimed at the suspect. Quite simply, action is faster than reaction. Furthermore, police handgun rounds do not reliably incapacitate suspects immediately, and officers encounter many situations with inadequate or unavailable cover."

23. A reasonable officer has been trained to shoot until the threat has been stopped even if they have to shoot multiple times. A reasonable officer has been trained that the threat has been stopped when the suspect posing the threat is no longer capable of carrying out the deadly threat either because they have dropped the weapon or are physically incapable of a deadly attack. A reasonable officer has been trained to shoot for the center of mass of the available target for multiple reasons: it is the largest target, vital organs that allow the body to function may be located there, and shooting for the center of the available target limits the chances of striking bystanders. A reasonable officer has been trained that in certain situations that they should shoot at alternate targets such as the pelvic girdle or head. Alternate targets are chosen because shooting center of mass has been or appears to be ineffective. Once the threat has been stopped then officers are to cease firing. It is unsafe to shoot once, evaluate, and then shoot again because

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during the evaluation phase of this method of shooting, the suspect may be able to carry out the deadly attack.

24. Once a Seattle police officer has used deadly force to stop an attack they have several reasonable options for placing the suspect into handcuffs. Nationally and within the State of Washington many police trainers advocate immediately placing the suspects into handcuffs. At the Seattle police department in tactics training we advocate waiting for additional officers to assist in the handcuffing.

25. Handcuffs are an inherently uncomfortable but necessary form of restraint used by law enforcement throughout the country to control subjects when they are uncooperative or to transport compliant subjects who are under arrest or imprisoned. Handcuffs are made of metal to prevent escape of the suspect by breaking the handcuffs. Suspects are handcuffed behind their back to prevent escape and assault on the Officers. However, handcuffs are a temporary mechanical restraint that does not totally prevent an escalation of violence or the escape of the suspect. For example, handcuffs do not control the legs. Additionally, subjects who are uncooperative and resisting move and behave in a manner which often leads to them injuring themselves with the handcuffs.

26. Officers are trained to evaluate several things after a suspect is taken into custody through the use of force. Officers are taught to evaluate the scene for second suspects; themselves, their equipment and their partners; to insure the safety of bystanders; and the suspect for injuries. Once an evaluation is done and unless someone needs immediate first aid for life threatening injuries, the officers will search the suspect for weapons and contraband with the scope of the search being dependent on the totality of the circumstances. Once the search is completed officers will arrange for transport of the suspect either to a holding facility or a medical facility as necessary.

27. Officer involved shootings may result in significant trauma to the involved officer(s). It is a reasonable response by the supervisors on scene to obtain a basic version of events from the involved officer(s) and then to isolate the involved officer(s) and to provide them with support as necessary. Officers involved in using deadly force generally have the same rights as any citizen who has used deadly force. It would be unreasonable and an abdication of their supervisory and management responsibilities to not afford the involved officers their rights.

Firearms Review Board Protocol

Instructions to Board Members:

The Chair should instruct the Board that the questions they ask of witnesses (sworn and civilian) should be specifically directed and narrowly related to the events that led to the discharge of a firearm by Seattle Police Personnel. This may include questions regarding equipment, training, and safety issues that relate to the incident under review.

Protocol regarding witness appearances:

1. The Chair should introduce the Board Members to the officer/witness and briefly explain the role of the observers on the board.
2. The Chair should cite a statement of purpose to the officer/witness:

   - *Per Seattle Police Department Policies and Procedures (Section 11.030) whenever there is an intentional discharge of a firearm by an officer and after each additional discharge resulting in injury or death, the Firearms Review Board convenes to investigate and review the circumstances of that discharge, making findings and recommendations to the Chief of Police.*
   - *(When applicable): Although the discharge was accidental and did not result in injury or death in this incident, the Deputy Chief of Administration had the discretion to convene a Firearms Review Board, "when appropriate".*
   - *(When applicable): Since an inquest will be held, the Firearms Review Board will delay final recommendations until after the inquest is concluded.*

3. Whenever a sworn SPD employee appears as a witness before the Firearms Review Board, as ordered by the Chair, the Chair must advise the officer in person at the hearing of the following before they testify:

   - *"You have been ordered by the Department to appear and give testimony regarding the matter currently under review by the Firearms Review Board".*

Other Protocol Items

1. When the Chair completes the Firearms review Board Report and the Chief of Police approves it, the Firearms Review Board is available for Public Disclosure requests. The Chair should ensure that the affected officer(s) Bureau Commander receive the Board's determinations, findings and recommendations as soon as possible, once the Chief of Police approves the Firearms Review Board Report. The affected officer(s) Bureau Commander should then verify with the Chair that

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the officer(s) has received notification of the Board's determinations, findings and recommendations prior to the Chair authorizing the release of the Firearms Review Board Report for Public Disclosure.

Additional Reminder for Bureau Commanders:

Bureau Commanders are reminded that when a Firearms Review Board is not convened in those instances of a non-injury accidental discharge of a firearm, the affected officer's Bureau Commander shall make a recommendation to the Chief of Police as to whether or not discipline or corrective training is necessary (Section 11.030 V.B.).

Seattle Police Department

Firearms Review Board

Procedure Guidelines – Findings – Recommendations

Firearms Review Board No _____Date Convened _____

The following are recommended procedures to be used during each Firearms Review Board to assist in the decision and recommendation process as outlined in Seattle Police Department Manual Section 11.030. Each step in these procedures should be considered relative to the case under review and the potentiality of further action, such as: criminal charges, coroner's inquest, widespread publicity, or addressing serious attitude or training deficiencies.

I. Procedure

A. The Deputy Chief of Administration shall:

1. Provide board members with all applicable reports and other documentation prior to the convening of the board, and
2. Designate the date, time, and location of board.

B. The Board Chair shall:

1. Review case material and evidence,
2. Determine witness to be interviewed, and
3. Request further investigation if needed.
4. Complete and forward Firearm Review Board Summary memo, Procedure Guidelines form, and Weapon Summary form to the Deputy Chief of Administration.

C. Board members shall review the provided information prior to convening of the board.

D. The Firearms Review Board shall:

1. Review and discuss all reports and evidence available,
2. Interview investigation detectives/officers,
3. Interview witnesses in logical order,
4. Listen to radio and communication center telephone calls pertaining to the incident,
5. Examine the scene in person as directed by the Board Chair,
6. Evaluate pertinent background information on the suspect, and
7. Discuss and review all information provided to the Board.

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II. Determinations

A. The discharge occurred while the officer was: ☐ On Duty ☐ Off Duty
Comments: _____

_____

B. The discharge was: ☐ Intentional ☐ Unintentional (If Unintentional or accidental, proceed to Part III, Page 4)
☐ Accidental (Weapon Malfunction)

Comments: _____

_____

C. If the discharge was intentional and not directed at a person, was the action in accordance with Department guidelines (if applicable): ☐ Yes ☐ No

D. The discharge was intentional and directed at a person? ☐ Yes ☐ No

E. The use of the firearm was necessary to:

☐ Arrest or apprehend a person who the officer reasonably believed had committed, had attempted to commit, was committing or was attempting to commit a felony, or

☐ Prevent the escape of a person from a federal or state correctional facility or in re-taking a person who had escaped from such a facility, or

☐ Prevent the escape of a person from a county or city jail or a holding facility where the person had been arrested for, charged with, or convicted of a felony, or

☐ Lawfully suppress a riot where the actor or another participant was armed with a deadly weapon.

F. Did the officer have probable cause to believe that the suspect, if not apprehended, posed a threat of serious physical harm to the officer or a threat of serious harm to others?

☐ Yes ☐ No

Comments:

_____

_____

_____

_____

G. Did reasonably effective alternatives to the use of force of a firearm appear to exist?

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Reasonably effective alternatives include, but are not limited to:

a. Allowing suspect the opportunity to surrender.

b. Physically subduing the suspect.

c. Containing the suspect and calling for assistance.

d. Using tear gas or other available less lethal weapons.

e. Other: _____.

☐ Yes ☐ No

Comments:

_____

_____

_____

_____

H. Considering the circumstances known to the officer at the time, would it have been a reasonable alternative to allow the suspect to escape without resorting to the use of firearm(s)?

☐ Yes ☐ No

I. Did the actions of the officer contribute to the need to fire? ☐ Yes ☐ No

Comments:

_____

_____

_____

_____

From the answers to the preceding questions and all evidence presented, make findings and recommendations to the Deputy Chief of Administration. The Deputy Chief of Administration will ensure that involved personnel receive written notification of the Board's conclusion in a timely manner.

III. Findings

A. The firearm discharge was found by the Board to be:

1. ☐ Justified,

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2. ☐ Not Justified,

3. ☐ Unintentional,

4. ☐ Accidental (Weapon Malfunction), or

5. ☐ Finding delayed until inquest or court action in this case is concluded.

IV. Recommendations

A. Justified

1. ☐ No further action.

2. ☐ With Recommendations. (Specify below)

B. Not Justified

1. ☐ Recommend referral to Office of Professional Accountability to be processed in accordance with Department disciplinary procedures.

2. ☐ Recommend re-training in the following areas. (Specify below)

C. Unintentional/Accidental

1. ☐ No discipline or training recommended. (Evidence Indicates an Accidental Firearm Malfunction)

2. ☐ Mandatory re-training in the following areas. (Specify below)

3. ☐ Recommendation of Discipline by Chain of Command, or referral to Office of Professional Accountability in accordance with Department Disciplinary Procedures.

D. Officer should be returned to street duty (if applicable):

1. ☐ Immediately

2. ☐ Only after re-training

3. ☐ Other (Specify below)

Recommendations:

_____

_____

_____

_____

_____

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MEMORANDUM OF AGREEMENT

WHEREAS, the City of Seattle (hereinafter referred to as the "City") is a first class charter city, organized in accordance with Washington Constitution Article XI, §10 and Chapter 35.22, RCW; and

WHEREAS, the City and the Seattle Police Officers' Guild (hereafter referred to as "SPOG") have been signatory to a collective bargaining agreement setting forth the wages, hours, and other terms and conditions of employment for members of the bargaining unit represented by SPOG; and

WHEREAS, the City and the Seattle Police Management Association (hereafter referred to as "SPMA") have been and are signatory to a collective bargaining agreement setting forth the wages, hours, and other terms and conditions of employment for members of the bargaining unit represented by SPMA; and

WHEREAS, on or about January 27, 1997 the City Council passed Ordinance Number 118482 creating a "Firearms Review Board Citizen Observer position (hereinafter "Citizen Observer") with authority to attend each meeting of the Seattle Police Department Firearms Review Board as a non-voting observer, to report annually to the Mayor and Council on the proceedings of the Firearms Review Board, and to increase the confidence of the general public in the review process"; and

WHEREAS, on or about February 6, 1997, the Mayor signed Ordinance Number 118482; and

WHEREAS, on or about February 4, 1997, SPOG, in response to the adoption of Ordinance Number 118482 and amendments to the Seattle Police Department Policies and Procedures Manual Section 1.305, filed an unfair labor practice complaint against the City with the Public Employment Relations Commission (hereinafter referred to as "PERC") that was docketed as *Seattle Police Officers' Guild vs. City of Seattle*, Case 13234-U-97-03218; and

WHEREAS, the City denied committing any unfair labor practice(s); and

WHEREAS, on or about June 11, 1997, SPMA, in response to the adoption of Ordinance Number 118482 and amendments to the Seattle Police Department Policies and Procedures Manual Section 1.305, filed an unfair labor practice complaint against the City with the PERC that was docketed as *Seattle Police Management Association vs. City of Seattle*, Case 13306-U-97-03245; and

WHEREAS, the City denied committing any unfair labor practice(s); and

WHEREAS, on or about April 27, 1999, Hearing Examiner Walter M. Stuteville issued Consolidated Findings of Fact, Conclusions of Law, and Order in the cases docketed as *Seattle Police Officers' Guild vs. City of Seattle*, Case 13234-U-97-03218

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and *Seattle Police Management Association vs. City of Seattle*, Case 13306-U-97-03245; and

WHEREAS, the City, SPOG and SPMA have all appealed from Hearing Examiner Walter M. Stuteville's Consolidated Findings of Fact, Conclusions of Law, and Order; and

WHEREAS, the City, SPOG, and the SPMA wish to resolve the unfair labor practice proceeding without resort to further litigation; it is therefore

AGREED BY AND AMONG THE PARTIES HERETO, in consideration of the mutual promises contained herein and other good and valuable consideration, that:

1. As part of the appointment process contemplated by Section 3 of Ordinance Number 118482, the President of SPOG and the President of SPMA and/or their designee(s) will be allowed to sit in on the interviews of the final candidates for Citizen Observer and provide input during the interview process.

2. Any bargaining unit employees involved in a Firearms Review Board investigation and review (hereinafter referred to as the "subject employee") will be afforded his/her Weingarten and Garrity rights.

3. The Seattle Police Department Policies and Procedures Manual Section 1.305, ¶I(A)(5) will be revised to read:

> A bargaining unit representative shall be permitted to attend the Firearms Review Board, if requested by the subject employee, to provide representation in accordance with RCW 41.56.[1]

4. The Seattle Police Department Policies and Procedures Manual Section 1.305, ¶V will be revised to read:

> VI Citizen Observer
>
> A. The Mayor shall appoint a Citizen Observer to the Firearm's review Board to observe and report on the Proceedings of the Board.
>
> 1. In addition to possessing the qualifications set forth in Section 3E of Ordinance Number 118482, the Citizen Observer shall possess the following qualifications and characteristics:

[1] The parties agree that Appendix A reflects the current state of the law with respect to representation in accordance with RCW 41.56.

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a. demonstrated professional experience in criminal justice and/or constitutional law, and,

b. some experience in fact-finding.

2. The Citizen Observer shall be a non-voting observer and shall comply with all of the provisions of Ordinance 118482.

a. The Citizen Observer shall be excused during the deliberations and voting of the Firearms Review Board.

B. The Mayor shall appoint an alternate Citizen Observer who will serve in place of the Citizen Observer where the Citizen Observer is unavailable and/or is unable to serve.

1. The alternate Citizen Observer shall be selected in the same manner as the primary Citizen Observer.

C. The subject employee or the subject employee's bargaining representative may request that the Citizen Observer not attend and/or observe the proceedings of the Firearms Review Board in a particular case if there are concerns related to an appearance of fairness, or if the Citizen Observer is demonstrated to have violated the confidentiality provisions of the Ordinance, or if there are other concerns of similar gravity.

1. Such a request shall be made within five days after receiving notification of the hearing.

2. When such a request is timely made, the alternate Citizen Observer shall be used for the hearing.

5. The Seattle Police Department Policies and Procedures Manual Section 1.305, will be revised to add a ¶VII that will read:

VII Bargaining Representative Observer

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A. A representative of the subject employee's bargaining unit shall serve as a non-voting member of the Firearms Review Board, in the same capacity, and subject to the same limitations, as the Citizen Observer.

1. The representative of the subject employee's bargaining unit will be excused during the deliberations and voting of the Firearms review Board.

B. The representative of the subject employee's bargaining unit who serves as the non-voting member of the Firearms Review Board shall not be the same representative who represents the subject employee before the Firearms Review Board in accordance with RCW 41.56.

6. When records relating to the Firearms Review Board are requested pursuant to a public disclosure request, the subject employee's' bargaining representative will be notified of the request and be allowed a reasonable period of time, not to exceed two weeks from date of notification of the request, in which to seek a court order prohibiting disclosure of such records.

7. Hearing Examiner Walter M. Stuteville's April 27, 1999 Consolidated Findings of Fact, Conclusions of Law, and Order in the cases docketed as *Seattle Police Officers' Guild vs. City of Seattle*, Case 13234-U-97-03218 and *Seattle Police Management Association vs. City of Seattle*, Case 13306-U-97-03245 shall not be used as precedent in any other proceeding(s) involving the City and SPOG and/or the City and SPMA.

8. The City, SPOG, and SPMA will ask the PERC to suspend enforcement of Walter M. Stuteville's April 27, 1999 Consolidated Findings of Fact, Conclusions of Law, and Order in the cases docketed as *Seattle Police Officers' Guild vs. City of Seattle*, Case 13234-U-97-03218 and *Seattle Police Management Association vs. City of Seattle*, Case 13306-U-97-03245.

9. The City, SPOG, and SPMA will ask the PERC to agree that the Walter M. Stuteville's April 27, 1999 Consolidated Findings of Fact, Conclusions of Law, and Order in the cases docketed as *Seattle Police Officers' Guild vs. City of Seattle*, Case 13234-U-97-03218 and *Seattle Police Management Association vs. City of Seattle*, Case 13306-U-97-03245 shall have no precedential effect in any PERC proceedings involving the City and SPOG and/or the City and SPMA.

10. The City, SPOG, and SPMA will ask PERC to suspend the briefing schedule pending completion of the settlement discussions and the PERC approval process.

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11. If the PERC does not agree to suspend enforcement of Walter M. Stuteville's April 27, 1999 Consolidated Findings of Fact, Conclusions of Law, and Order and/or to agree that Walter M. Stuteville's April 27, 1999 Consolidated Findings of Fact, Conclusions of Law, and Order shall have no precedential effect in any PERC proceeding(s) involving the City and SPOG and/or the City and SPMA, this Memorandum of Agreement shall be null and void and the parties will either continue discussing other alternatives to achieve the same goals and/or will request a new briefing schedule so that the appeals can be completed.

12. If the PERC agrees to suspend enforcement of Walter M. Stuteville's April 27, 1999 Consolidated Findings of Fact, Conclusions of Law, and Order and agrees that Walter M. Stuteville's April 27, 1999 Consolidated Findings of Fact, Conclusions of Law, and Order shall have no precedential effect in any PERC proceeding(s) involving the City and SPOG and/or the City and SPMA, then the parties shall withdraw their appeals.

IN WITNESS WHEREOF, we have set our hands this 10th day of April, 2000.

CITY OF SEATTLE

SEATTLE POLICE OFFICERS' GUILD

SEATTLE POLICE MANAGEMENT ASSOCIATION

5/10/00

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APPENDIX A

The parties agree that the following is the scope of a bargaining representative's right to provide representation to an subject employee in a Firearms Review Board proceeding in accordance with RCW 41.56 as of the date of the execution of the Memorandum of Agreement:

1. The bargaining unit representative can counsel the subject employee, complying with all applicable bargaining agreements.

2. The subject employee may consult with the union representative before commencing an investigatory interview.

3. Once the Board asks the subject employee to give his/her version of what occurred, there will be no interruption from the bargaining unit representative.

4. Once active questioning begins of the subject employee, the bargaining unit representative my alert the officer to problems with the phrasing or scope of a question.

a. Examples of the type of assistance which might be provided by the bargaining unit representative include: noting when questions are ambiguous or misleading; noting when questions invade a statutory privilege that the officer has the right to invoke; or interceding when questions become harassing or intimidating.

i. The right of the bargaining unit representative to participate during the questioning process does not necessarily allow that representative to confer with the subject employee before every answer.

5. When a statutory privilege is not at issue, the representative cannot delay the subject employee's responses while the representative advises the officer whether or how to answer a question.

a. Also, the representative and the subject employee is not free to interject comments whenever he/she wishes during the interview.

6. In the interest of maintaining an orderly process, the Board may reasonably require the bargaining unit representative to wait until the conclusion of questioning before seeking clarification of previous officer answers, bringing to light favorable facts the officer might have overlooked, suggesting other individuals who may have relevant knowledge, describing relevant practices, or advancing extenuating circumstances for the Board to consider.

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Letter of Understanding

In order to avoid any current or future misunderstanding concerning the use of the term "deliberations" in the Firearms Review Board ("FRB") Memorandum Of Agreement ("MOA"), the purpose of this Letter of Understanding is to explain that it was and continues to be the parties' intent to have the FRB operate much like a jury. As such, it was and continues to be the parties' intent to have the Chair of the FRB exclude observers (union and civilian) only after all evidence has been presented, the observers have been given a full opportunity to provide input, and the record has been closed. After exclusion of the observers (union and civilian) there will be no further opportunity for anyone to present any further testimony or evidence for the FRB's consideration.

This Letter of Understanding shall be attached to the MOA and each of the party's signature below shall signify its agreement to the Letter of Understanding.

SEATTLE POLICE OFFICERS' GUILD

[redacted]

Mike Edwards, President

SEATTLE POLICE MANAGEMENT ASSOCIATION

[redacted]

Dan Oliver, President

CITY OF SEATTLE

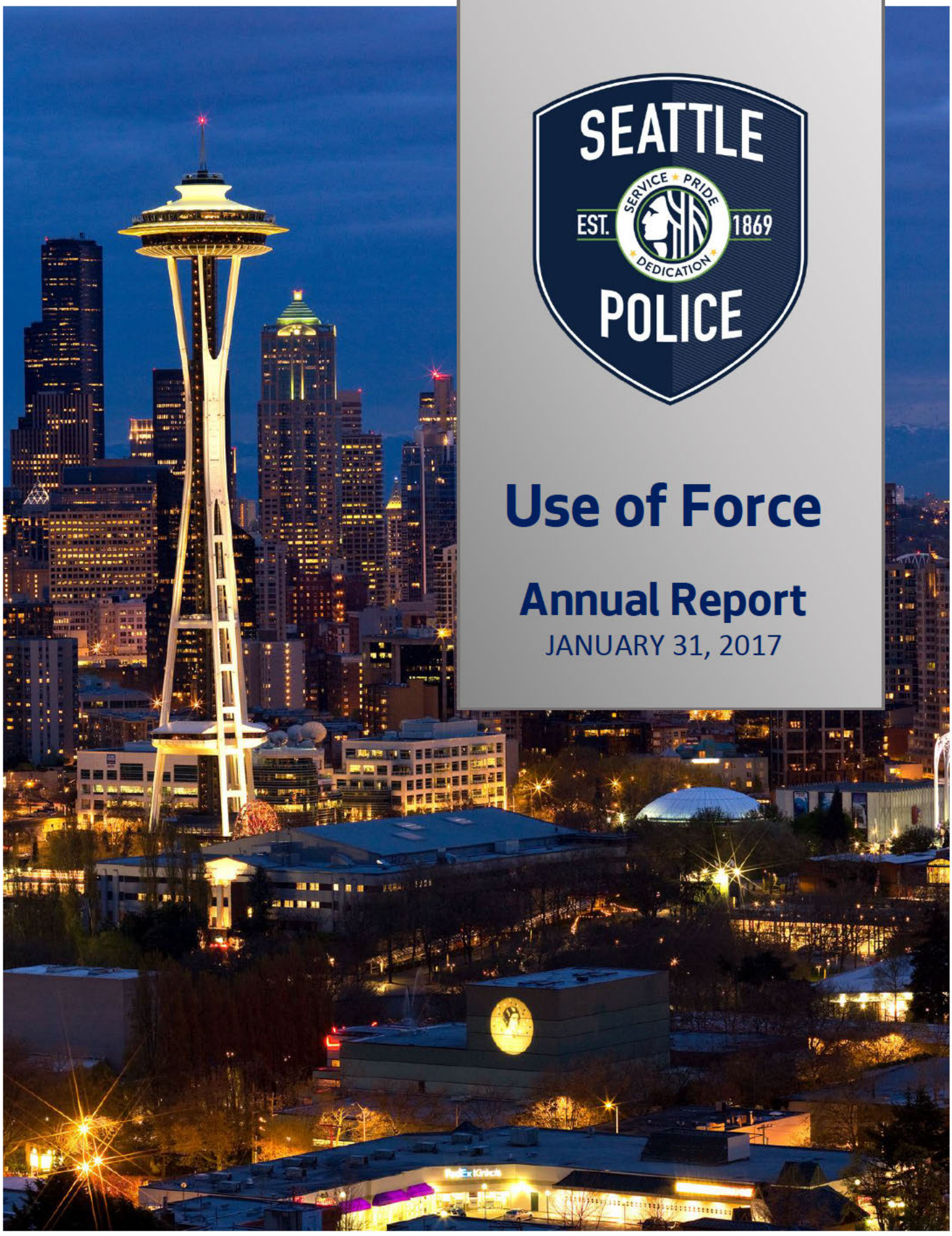
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Labor Relations

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Law Department

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SEATTLE POLICE

Use of Force

Annual Report

JANUARY 31, 2017

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OVERVIEW

Why is SPD doing this report?

In its upcoming Strategic Plan, the Seattle Police Department outlines its goals for continued momentum across all areas of its operations, and establishes clear benchmarks to measure its progress towards those goals. Paramount among these goals, and consistent with the Department's commitment to police reform, is assuring the safety and security of all in Seattle's diverse communities through just, community-oriented, and transparent service.

To date, it has been the responsibility of the court-appointed Monitor to report on the Department's work towards police reform – an obligation required of him under the Consent Decree between the City of Seattle and the United States Department of Justice (DOJ) and that will continue as additional assessments relating to stops and detentions, bias, and the Department's Early Intervention Program are forthcoming. As the Department nears full and effective compliance with the Consent Decree, however, it is incumbent on the Department to establish its own reporting protocols that assure the community continued visibility into the Department's activities and internal systems of accountability, especially as relate to crisis intervention, supervision, and the reporting, investigation, and critical review of use of force.

The Department's second annual Crisis Intervention Report, published in August 2016, was the first in what the Department pledges to be an annual release of data-driven reports on a variety of topics. Based on data collected during the first year after implementation of the Mental Health Contact Form, that report details the response of SPD officers to the approximately 9,300 calls for service regarding persons in behavioral health crisis to which officers were dispatched between May 2015 and May 2016. Key among the findings was that, of those approximately 9,300 crisis responses, only 149 (1.6%) involved any use of reportable force, and of these, only 36 (0.4% of crisis responses overall) involved greater than a low-level, Type I use of force. As the Department noted in that report, given the estimation cited in the Department of Justice's 2011 Findings Letter that more than 70% of force incidents involved persons in crisis, these numbers provide solid evidence that Seattle police officers have both embraced and are applying in practice the de-escalation and crisis intervention skills that are being emphasized in training.

What is in this report?

This report focuses more broadly on the use of force generally and the Department's administrative structures for investigation and critical review of force used. Utilizing the advanced analytical capability available through the recently-implemented Data Analytics Platform (DAP), Section I of this report presents aggregate statistics regarding use of force events and applications, filtered across precincts, officer and subject demographics, call types, and other discrete measures, over a two-year (25-month) time period between July 1, 2014 and August 31,

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2016. *Key among these findings was, as in the case of crisis response more narrowly, a dramatic reduction in the use of force overall: juxtaposed against the DOJ's 2011 findings that officers too quickly resorted to force to resolve incidents, over the time period examined here officers reported using force of any level at a rate of less than half of one percent (0.3%) of all dispatches to nearly half a million unique events – and of these uses of force, the overwhelming majority (nearly 75%) involved no greater than the lowest level of reportable force (such as minor complaints of transient pain with no objective signs of injury, or the pointing of a firearm).* In short, while each application of force is separately investigated and reviewed, overall the use of force by Seattle police officers is an empirically rare occurrence. This finding offers reassurance that officers are implementing, in practice, the de-escalation training and tactics that have earned Seattle national acclaim, while maintaining a high level of engaged, proactive law enforcement activity.

The descriptive statistics of force in the aggregate as presented in Section I offer insight into the frequency and distribution of force, but numbers alone do little to establish that force, however infrequently it is used, is used constitutionally and in a manner consistent with the standards set forth in Department policy. Section II accordingly provides an overview of the Force Investigation Team (FIT) – a specialized unit comprising experienced detectives, sergeants, and commanders that responds to and investigates all serious force incidents – and briefly describes each of the 32 separate events to which FIT responded during all of 2016. The Department also reports in this Section on case assessments by the Force Review Unit (FRU) and the Force Review Board (FRB) during 2016, which provide an additional layer of review with respect to officer use of force and chain of command review of force, ensuring that force applied by Seattle police officers is consistent with the mandates of Department policy. Additionally, as a forum for reviewing policies, training, tactics and equipment, the FRB provides the opportunity for experience and review to continually drive Department operations and practices. These processes help to ensure that the department is policing the community it serves effectively and constitutionally through self-regulation.

What does an FRB finding mean relative to whether the force was Constitutional?

As the U.S. Supreme Court has long held, whether any use of force is lawful under the Constitution is a case-specific determination, based on the perception of a reasonable officer under the totality of the circumstances present at the time the force is applied, and often a point on which reasonable minds can differ. While the courtroom is generally the forum for determining the *legality* of a use of force, the Force Review Board is a mechanism by which members analyze the broader question of whether the force meets the requirements of policy and training that hold officers to a higher standard of conduct – and care should be taken not to conflate the two. Importantly, SPD policy incorporates both federal and state constitutional thresholds, but holds officers to a higher level of performance and scrutiny consistent with community expectations. Simply put, a finding that force is out of policy does *not* equate to a finding that the force violated the Constitution, but a finding that the force was in policy *does*

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mean it was also likely lawful under the Constitution. In that regard, to the extent that civil lawsuits can serve as a proxy for allegations of unconstitutional use of force, it is noteworthy that, to date, the City has been served with only four lawsuits (none of which have been adjudicated as of this writing) alleging a constitutional violation by SPD officers with respect to force occurring within the 25-month period reported in Section I. Similarly, of the small number of instances in which issues relating to a use of force are referred to the Office of Professional Accountability by the FRB or FRU, fewer than 5% have been sustained. *These factors support the findings that, not only is the use of force by Seattle police officers an empirically rare event, but when they do use force, they do so in a manner that is consistent with both the Constitution and the more expansive requirements of policy.*

What if this report doesn't answer my questions?

As one of the original 21 jurisdictions participating in the Police Data Initiative, launched in response to recommendations from President Obama's Task Force on 21st Century Policing (and now managed by the Police Foundation in Washington, D.C.), the Seattle Police Department committed to publishing its use of force data, including data concerning officer-involved shootings, to help communities gain greater visibility into key information on police/civilian interactions. Fulfilling and building upon that commitment, the Department has both released to the City's open data portal, *data.seattle.gov*, the use of force data described in Section I of this report, and has added to its newly-redesigned website interactive dashboards through which the public can explore for itself officers' use of force, parsed across demographic and geographic fields. The Department cautions of the inherent hazard that data can be subject to differing interpretations and lead to differing conclusions depending on the sophistication of the analysis and the potential for confirmation bias; SPD provides this data with the hope that, as new technology has created opportunity for increasingly sophisticated inquiries internally, providing greater transparency of its data externally creates greater opportunity for SPD and the community to work collaboratively to drive the policies and priorities of this department.

Over the past two years, SPD has earned national recognition as an emerging leader in 21st Century policing for its commitment to transparency, community engagement, and for its implementation of new policies, training, and structures of supervision and accountability that were developed in collaboration with the U.S. Department of Justice (DOJ). These reform efforts are reflected locally, as well; neighborhood partnerships have strengthened, homicide clearance rates – a measure of the community's willingness to partner with police to solve crimes – are at a record high, and a recent survey on public perception of SPD conducted by the Federal Monitor found that community confidence in Seattle police officers and Department leadership is high across all demographic groups. The Department is excited about the many initiatives outlined in its upcoming Strategic Plan, and looks forward to continuing engagement and partnership with the communities it serves.

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SECTION I: USE OF FORCE

A. Policies and Overview of Force

The Seattle Police Department's Use of Force polices are published, collectively, as Title 8 of the SPD Manual. Policy sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, OC spray, and vehicle-related force tactics. Section 8.400 prescribes protocols for the reporting and investigation of force; section 8.500 sets forth the process for review of force.

Force is classified and reviewed according to level of severity, described as below:

De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury. Examples including using hands or equipment to stop, push back, separate or escort, the use of compliance holds without sufficient force to cause pain, and unresisted handcuffing. Officers are not required to report or investigate this level of force.

Type I – Actions which "causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun." This is the most frequently reported level of force. Examples of Type I force, generally used to control a person who is resisting an officer's lawful commands, include "soft takedowns" (controlled placement), strike with sufficient force to cause pain or complaint of pain, or an open hand technique with sufficient force to cause complaint of pain. Type I uses of force are screened by a sergeant and reviewed by the Force Review Unit.

Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Examples include a hard take-down or and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, beanbag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, vehicle, and hobble restraint. An on-scene (where feasible) sergeant collects available video evidence and witness statements; the evidence packet and analysis of the force is reviewed by the Chain of Command and the Force Review Unit. Cases flagged by the Force

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Review Unit for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases are also analyzed by the Force Review Board.

Type III – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team, and analyzed by the Force Review Board.

At any point during an investigation where a witness officer or any reviewer has reason to believe that the force is out of policy, that individual has an affirmative obligation to report the concern to the Office of Professional Accountability. The FRB votes as to whether force is within policy; individual members may, but are not mandated to, refer out of policy force to OPA.

This Section examines the use of force by Seattle police officers over a 25-month period, between July 1, 2014, and August 31, 2016. This study period was selected to control for the learning curves associated both with the new policies and with new reporting and tracking software[1] that was implemented in March 2014. All data utilized in this Section was sourced from the Department's recently-implemented Data Analytics Platform (DAP).[2]

B. Force by Type and Subject Demographics

- Between July 1, 2014 and August 31, 2016, the Seattle Police Department dispatched officers to calls 1,077,142 times in response to 494,419 unique events.

  Note: Dispatch counts reflect the number of officers responding to a unique event, as captured in the Department's Computer Aided Dispatch (CAD) data.

[2] The DAP is a comprehensive enterprise-wide platform that consolidates data from multiple unique source systems, enabling SPD to manage and analyze up-to-date data relating to police calls and incidents, civilian interactions, use-of-force incidents, administrative processes, and officer training, replacing a long extensive process that existed prior to DAP's integration. The DAP includes an ad-hoc reporting tool and advanced analytic capabilities that allow for the creation of reports and dashboards for one-time reporting or continuous, real-time monitoring of subject areas viewable by precinct, organizational unit, assignment, and chain of command. The DAP allows supervisors, commanders, and Command Staff to utilize these reports and dashboards to make data-driven decisions based on analytic insights and to highlight issues of concern that may warrant deeper review.

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- During this same period, officers reported using force at some level (Type I, II, or III) a total of 4,216 times. Of these, 3,643 were associated with 3,442 unique CAD events.[3] ***Viewed in the context of dispatch activity, this means that less than one percent of all CAD events involved any use of force, and less than half of one percent of all dispatches resulted in any use of force.***

- Of the 4,216 uses of force reported over the 25 months reported here, the vast majority (73%) were no greater than low-level, Type I force.[4] Fewer than 2% of uses of force (84 total) were Type III, which included 14 officer-involved shooting events.[5] Type II use of force comprised one-quarter of force overall.

[3] The higher number (4,216) reflects the number of individual force reports in the system – which includes 573 reports that were not associated with a particular dispatched event. Within the data set relating to CAD events, there are events that are clear outliers in terms of the amount of force reported. For example, May Day demonstrations in 2015 and 2016 were associated, respectively, with 33 and 28 separate uses of force (2 of which were Type III). A miles-long, cross-city high speed pursuit and eventual officer-involved shooting of an armed carjacking suspect was associated with 29 separate uses of force, 11 of which were Type III (officer involved shootings).

[4] Approximately 35% of Type I use of force involved a complaint of pain only, as with handcuffs. The Department is currently evaluating recommendations from the Force Review Board to distinguish between pain resulting from the use of force itself (application of handcuffs) and pain that may be better attributed to the inherent discomfort of handcuffs.

[5] More comprehensive information concerning officer-involved shootings over the past ten years can be explored through the Department's OIS dashboard.

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Table 1: Force Counts by Year (July 1, 2014 – August 31, 2016)

Incident Type	2014	2015	2016	Grand Total
Level 1 - Use of Force	689	1,554	830	3,073
Level 2 - Use of Force	288	477	294	1,059
Level 3 - Use of Force	15	20	13	48
Level 3 - OIS	17	15	4	36
Grand Total	1,009	2,066	1,141	4,216

The majority (86%) of uses of force were reported within the Patrol Operations Bureau, which is primarily responsible for beat patrols and 911 responses. Seven percent of uses of force were reported within the Professional Standards Bureau, a finding that is attributable to the fact that the Professional Standards Bureau oversees Field Training, which is where student officers on patrol are administratively assigned. Additionally, officers from all bureaus are assigned to crowd management and special events.

Table 2: Distribution of Use of Force by Type and Bureau

	OPERATIONS BUREAU	COMPLIANCE AND PROFESSIONAL STANDARDS BUREAU	SPECIAL OPERATIONS BUREAU	INVESTIGATIONS BUREAU	Grand Total
Level 1 - Use of Force	65.23%	5.77%	3.73%	0.93%	**75.67%**
Level 2 - Use of Force	19.40%	1.02%	1.51%	0.49%	**22.42%**
Level 3 - Use of Force	1.15%	0.13%	0.04%		**1.33%**
Level 3 - OIS	0.44%	0.04%	0.09%		**0.58%**
Grand Total	**86.23%**	**6.97%**	**5.37%**	**1.42%**	**100.00%**

SPD Policy (8.300) provides that officers may draw or exhibit a firearm in the line of duty when an officer has reasonable cause to believe that it may be necessary for his or her own safety or for the safety of others. Law enforcement training contemplates frequent responses (*e.g.*, high risk felony vehicle stops, building searches, warrant arrests of known violent felons, reports of armed individuals, etc.) that officers should routinely conduct with a weapon displayed. Officers are required to document all incident where they point a firearm at a person (Manual Section 8.400). Unholstering or displaying a firearm in a low-ready or *sul* (pointed towards the ground, indexed to the chest) position is not reportable force. Over the 25 months reported here, 998 (27%) of the 4,216 uses of force comprised the pointing of a firearm.

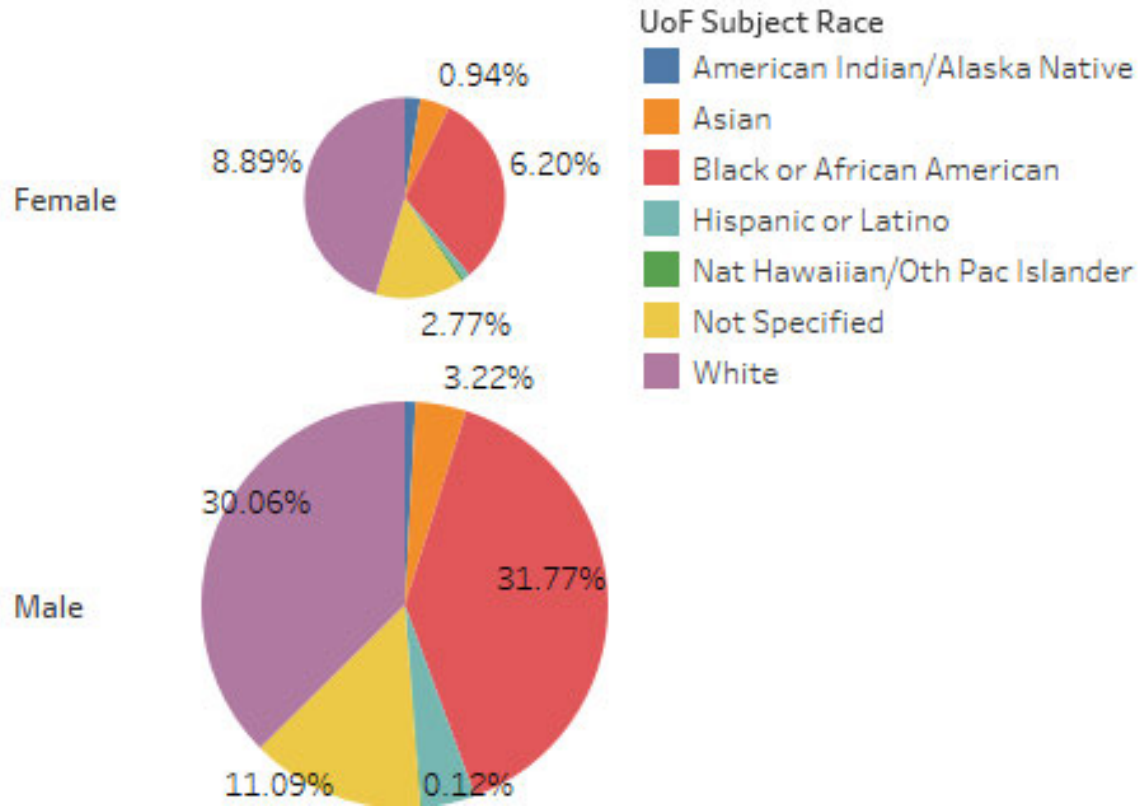
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Although batons are the only Department-issued impact weapon that officers are permitted to carry, an impact weapon is more broadly defined by policy (Manual Section 8.300) as "any object that is used to forcefully strike a subject in a manner that is reasonably likely to cause injury." Of the uses of force reported here, only 16 (0.38% of force total) involved an impact weapon. Of these, 3 were reported as Type I, 11 were reported as Type II, and two were reported as Type III.

Subjects of force were overwhelmingly male, comprising 79% of the reported 4,216 uses of force. White and Black/African American subjects accounted for approximately equivalent proportions of force overall. Figure 1 shows the distribution of force subjects by race and gender; Figure 2 shows the distribution of force subjects by race for each of Type I and Type II force. (Because Type III uses of force occur so infrequently as to be considered a statistically random event, they are excluded from this analysis, but again, because they are investigated and reviewed at greater detail than Types I and II, all Type III cases from 2016 are described individually in Section II).

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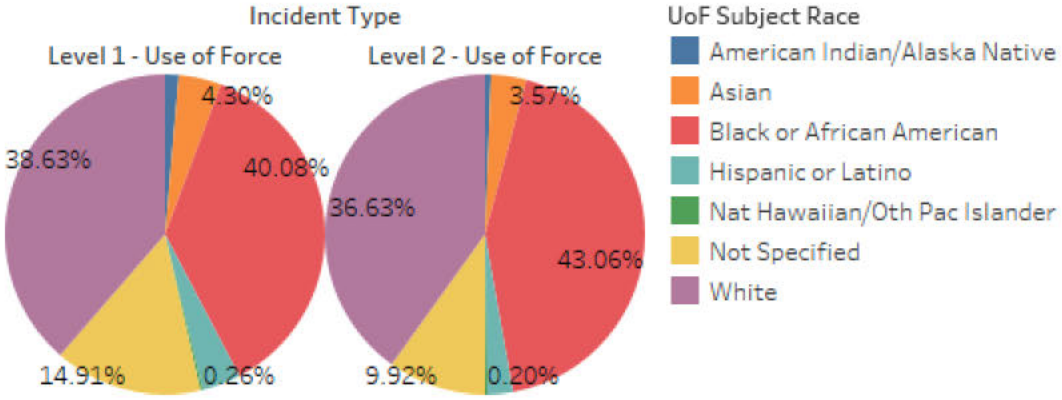
Figure 1: Subject Gender and Race[6]



[6] As is reflected in statistics nationally, racial disparity is an important issue that requires further discussion and analysis. Unfortunately, in the present state of research, there is no proven, reliable methodology for accounting for all the potential causal factors that may result in an outcome of disparity – including factors upstream (education, socioeconomic status, family structure) that may shape an individual prior to reaching the attention of the police, or factors downstream, post-arrest, throughout the criminal justice system. In other words, while numbers can identify a disparity, they cannot explain the disparity. The Seattle Police Department is partnering with the DOJ and Dr. Jack McDevitt, Associate Dean for Research at Northeastern University and Director of the Institute on Race and Justice, to explore possible causes for disparities observed across law enforcement metrics and, critically, how SPD's advancing data may lead to knowledge and innovation in this important area.

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Figure 2: Subject Race by Force Type



C. Use of Force by Dispatch Type and Priority

Officers are logged to calls either by a dispatcher (e.g., in response to a 911 call) or by on-viewing an incident (observing an incident while on patrol) and responding. Of the 3,442 CAD events that can be linked to a use of force, most (71%) were calls in which the officer was responding to a call for service from the public.

Table 3: Force used by Dispatch Type

	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	**Grand Total**
DISPATCH	54.38%	15.46%	0.93%	0.52%	**71.30%**
ONVIEW	19.94%	8.27%	0.33%	0.16%	**28.70%**
Grand Total	**74.32%**	**23.73%**	**1.26%**	**0.69%**	**100.00%**

The reasonableness of force, both in law (*see*, e.g., *Graham v. Connor*, 490 U.S. 386 (1989)) and in policy (*see* SPD Manual Section 8.000(4)) is based in part on the totality of the circumstances known to the officer at the time the force used, and considered from the perspective of the reasonable officer on the scene, rather than with 20/20 hindsight and the benefit of additional information. In that regard, call type and priority can be considered to some degree as *a priori* knowledge of the circumstances to which an officer is responding.

Calls for service, whether dispatched or officer-initiated, are assigned a priority, based on the immediacy of the need. Priority 1 calls are incidents that require an immediate response, including incidents that involve obvious immediate danger to the life of a citizen or an officer. Priority 2 calls are noted as urgent, or incidents which if not policed quickly could develop into a more serious issue (such as a threat of violence, injury, or damage). Priority 3 calls are

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investigations or minor incidents where response time is not critical to public safety. Priority 4 calls involve nuisance complaints, such as fireworks or loud music. Priority 7 calls are officer-initiated events, such as traffic stops; Priority 9 is used to indicate administrative tasks or downtime. As would be expected, across force levels, the highest frequency of force occurred in connection with Priority 1 calls.

Table 4: Levels of Force by Call Priority

	Call Priority Code						
	1	2	3	4	7	9	**Grand Total**
Level 1 - Use of Force	32.63%	24.06%	12.39%	0.03%	4.83%	0.38%	**74.32%**
Level 2 - Use of Force	8.35%	8.32%	4.12%		2.39%	0.55%	**23.73%**
Level 3 - Use of Force	0.36%	0.44%	0.36%		0.11%		**1.26%**
Level 3 - OIS	0.55%	0.03%	0.11%				**0.69%**
Grand Total	**41.88%**	**32.85%**	**16.97%**	**0.03%**	**7.33%**	**0.93%**	**100.00%**

When an incident is created by Communications, whether initiated in response to a 911 call for service or called in by an officer on-scene, the incident is assigned an initial call type based on information that is reported at the outset. Table 5 sets forth the 25 initial call types that were associated with the majority (nearly three-quarters) of uses of Type I and Type II force. (Again, because Type III uses of force are statistically random events, they are excluded from this analysis).

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Table 5: Initial Call Type by Resulting Level of Use of Force

	Incident Type								
	Grand Total			Level 1 - Use of Force			Level 2 - Use of Force		
	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count
DISTURBANCE, MISCELLANEOUS/OTHER	9.49%	0.2706	336	9.12%	0.1971	245	10.64%	0.0734	92
ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	5.26%	0.1500	188	4.62%	0.0998	125	7.28%	0.0503	63
WEAPN-IP/JO-GUN,DEADLY WPN (NO THRT/ASLT/DIST)	4.56%	0.1301	153	5.10%	0.1101	128	2.89%	0.0200	25
AUTO RECOVERY	4.51%	0.1285	114	5.54%	0.1197	103	1.27%	0.0088	11
DIST - IP/JO - DV DIST - NO ASLT	4.14%	0.1181	147	3.84%	0.0830	103	5.09%	0.0351	44
SUSPICIOUS STOP - OFFICER INITIATED ONVIEW	3.78%	0.1077	129	2.96%	0.0639	76	6.36%	0.0439	53
SUSPICIOUS PERSON, VEHICLE OR INCIDENT	3.47%	0.0990	117	3.55%	0.0766	89	3.24%	0.0223	28
ASLT - IP/JO - DV	3.39%	0.0966	120	3.51%	0.0758	94	3.01%	0.0208	26
WARRANT - FELONY PICKUP	2.91%	0.0830	102	2.70%	0.0583	71	3.58%	0.0247	31
TRESPASS	2.88%	0.0822	98	2.84%	0.0615	71	3.01%	0.0208	27
SHOPLIFT - THEFT	2.88%	0.0822	100	3.36%	0.0726	88	1.39%	0.0096	12
TRAFFIC STOP - OFFICER INITIATED ONVIEW	2.60%	0.0742	91	2.81%	0.0607	74	1.97%	0.0136	17
ROBBERY - IP/JO (INCLUDES STRONG ARM)	2.60%	0.0742	84	3.25%	0.0702	79	0.58%	0.0040	5
FIGHT - IP - PHYSICAL (NO WEAPONS)	2.49%	0.0710	86	2.36%	0.0511	62	2.89%	0.0200	24
NARCOTICS - VIOLATIONS (LOITER, USE, SELL, NARS)	2.49%	0.0710	88	2.29%	0.0495	61	3.12%	0.0215	27
SHOTS - IP/JO - INCLUDES HEARD/NO ASSAULT	2.07%	0.0591	56	2.73%	0.0591	56			
THREATS (INCLS IN-PERSON/BY PHONE/IN WRITING)	2.38%	0.0678	76	2.11%	0.0455	49	3.24%	0.0223	27
SUICIDE - IP/JO SUICIDAL PERSON AND ATTEMPTS	2.30%	0.0654	82	2.81%	0.0607	76	0.69%	0.0048	6
ASLT - WITH OR W/O WEAPONS (NO SHOOTINGS)	2.02%	0.0575	73	1.48%	0.0319	40	3.70%	0.0255	33
BURG - IP/JO - RES (INCL UNOCC STRUCTURES)	1.99%	0.0567	68	2.07%	0.0447	53	1.73%	0.0120	15
THEFT (DOES NOT INCLUDE SHOPLIFT OR SVCS)	1.71%	0.0487	60	1.63%	0.0351	44	1.97%	0.0136	17
ASLT - IP/JO - PERSON SHOT OR SHOT AT	1.74%	0.0495	40	2.25%	0.0487	39	0.12%	0.0008	1
PERSON IN BEHAVIORAL/EMOTIONAL CRISIS	1.62%	0.0463	57	1.15%	0.0247	30	3.12%	0.0215	27
PROPERTY - DAMAGE	1.46%	0.0415	52	1.11%	0.0239	30	2.54%	0.0176	22
DIST - DV - NO ASLT	1.32%	0.0375	42	1.33%	0.0287	31	1.27%	0.0088	11
Other (87 Types)	23.94%	0.6824	824	23.49%	0.5076	611	25.32%	0.1748	213
Grand Total	100.00%	2.8509	3,383	100.00%	2.1605	2,528	100.00%	0.6904	857

Of the initial call types of those events that were subsequently associated with a use of force, the largest proportion, comprising 9.5% of all incidents, were classified as "Disturbance, Miscellaneous/Other." The remaining four of the top five call types, representing nearly 28% of all incidents associated with a use of force, were Assault in Progress / Just Occurred – with or without weapons (not shootings); Weapon, in Progress / Just Occurred – with deadly weapon (no threats/assault/disturbance); Auto Recovery; and Disturbance in Progress / Just Occurred (no assault).

In contrast, the lowest frequency of initial call types for incidents involving a use of force (24%) comprised 87 separate call types, each associated with less than one percent of the total use of force during the study period.

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Table 6: Crosstab Comparing Initial and Final Call Types of Incidents Involving Force

	DISTURBANCE, MISCELLANEOUS/ OTHER	ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	DIST - IP/JO - DV DIST - NO ASLT	WEAPN-IP/JO-GUN, DEADLY WPN (NO THRT/ASLT/DIST)	AUTO RECOVERY	Grand Total
--ASSAULTS, OTHER	18.46%	21.98%	3.02%	2.85%	1.01%	**47.32%**
--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	2.85%	3.19%	11.41%	0.34%		**17.79%**
--CRISIS COMPLAINT - GENERAL	8.39%	1.85%	3.86%	1.51%		**15.60%**
--ASSAULTS - HARASSMENT, THREATS	6.71%	0.84%	0.17%	7.38%		**15.10%**
--WARRANT SERVICES - FELONY	1.17%	1.17%		0.67%	1.17%	**4.19%**
Grand Total	**37.58%**	**29.03%**	**18.46%**	**12.75%**	**2.18%**	**100.00%**

Calls are assigned a final call type that is based on information gathered during the call and response and standards for federal crime reporting. As shown in Table 6, comparing the final disposition type (on the vertical axis) with the initial call type (on the horizontal axis), nearly half (47.3%) of the top five initial call types resolved as Assault, Other; the next highest proportion resolved as Domestic Violence – Mandatory Arrest (17.8%). Table 7 shows a full distribution of uses of force (Types I and II) across final call type. Type I and II uses of force were most frequently associated with incidents that resolved as Assault, Other, followed by Crisis Complaint – General (8%); Domestic Violence with Mandatory Arrest (7.6%); Assaults / Harassment/Threats (5.9%), and Warrant Service – Felony (5.6%). 71 final calls types, all representing less than 1% of all uses of force, represent collectively represent the lowest frequency of force incidents.

Table 7: Final Call Type by Resulting Level of Use of Force

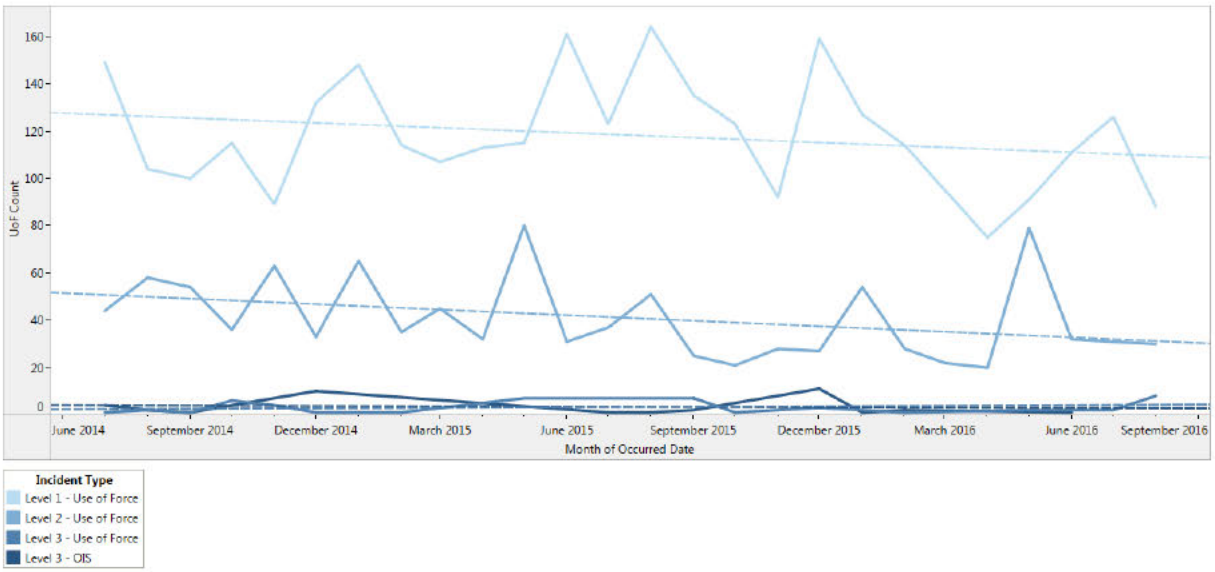
	Incident Type								
	Grand Total			Level 1 - Use of Force			Level 2 - Use of Force		
	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count	% of Total UoF Count along Table (Down)	Rate of Force (per 1000)	Officer Dispatch Count
--ASSAULTS, OTHER	**17.05%**	**0.4861**	**601**	13.00%	0.2809	345	29.71%	0.2051	257
--CRISIS COMPLAINT - GENERAL	**8.03%**	**0.2291**	**286**	7.65%	0.1652	206	9.25%	0.0639	80
--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	**7.59%**	**0.2163**	**265**	7.94%	0.1716	209	6.47%	0.0447	56
--ASSAULTS - HARASSMENT, THREATS	**5.94%**	**0.1692**	**202**	5.98%	0.1293	152	5.78%	0.0399	50
--WARRANT SERVICES - FELONY	**5.63%**	**0.1604**	**194**	5.32%	0.1149	137	6.59%	0.0455	57
--NARCOTICS - OTHER	**4.65%**	**0.1325**	**162**	4.40%	0.0950	115	5.43%	0.0375	47
--TRAFFIC - D.U.I.	**4.26%**	**0.1213**	**150**	5.02%	0.1085	134	1.85%	0.0128	16
--PROWLER - TRESPASS	**3.67%**	**0.1046**	**126**	3.69%	0.0798	94	3.58%	0.0247	32
--WARRANT SERVICES - MISDEMEANOR	**3.56%**	**0.1014**	**126**	3.84%	0.0830	103	2.66%	0.0184	23
--WEAPON, PERSON WITH - GUN	**3.30%**	**0.0942**	**104**	3.77%	0.0814	89	1.85%	0.0128	15
--AUTOMOBILES - RECOVERY (THEFT)	**3.28%**	**0.0934**	**90**	4.03%	0.0870	82	0.92%	0.0064	8
--ROBBERY - ARMED	**2.74%**	**0.0782**	**93**	3.32%	0.0718	85	0.92%	0.0064	8
--ROBBERY - STRONG ARM	**2.52%**	**0.0718**	**79**	2.51%	0.0543	57	2.54%	0.0176	22
--PROPERTY DEST (DAMG)	**2.07%**	**0.0591**	**74**	1.70%	0.0367	46	3.24%	0.0223	28
--THEFT - SHOPLIFT	**1.76%**	**0.0503**	**62**	1.88%	0.0407	50	1.39%	0.0096	12
--AUTOMOBILES - AUTO THEFT & RECOVERY	**1.74%**	**0.0495**	**44**	2.14%	0.0463	40	0.46%	0.0032	4
--BURGLARY - RESIDENTIAL OCCUPIED	**1.71%**	**0.0487**	**57**	1.85%	0.0399	46	1.27%	0.0088	11
--DISTURBANCE - OTHER	**1.65%**	**0.0471**	**52**	1.51%	0.0327	38	2.08%	0.0144	14
--ASSAULTS - FIREARM INVOLVED	**1.57%**	**0.0447**	**37**	2.07%	0.0447	37			
--BURGLARY - NON RESIDENTIAL/COMMERCIAL	**1.23%**	**0.0351**	**36**	1.44%	0.0311	31	0.58%	0.0040	5
--SUSPICIOUS CIRCUM. - SUSPICIOUS PERSON	**1.15%**	**0.0327**	**39**	1.51%	0.0327	39			
--DV - ENFORCE COURT ORDER (ARREST MANDATED)	**1.04%**	**0.0295**	**37**	1.15%	0.0247	31	0.69%	0.0048	6
--ALARM-COMM (INC BANK, ATM, SCHOOLS, BSN), --ALARM-RES..	**13.89%**	**0.3959**	**467**	14.26%	0.3081	362	12.72%	0.0878	106
Grand Total	**100.00%**	**2.8509**	**3,383**	**100.00%**	**2.1605**	**2,528**	**100.00%**	**0.6904**	**857**

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D. Use of Force by Time, Location and Demographics

Rates of force remained relatively constant over the 25-month period reported here, with no statistical change in the aggregate frequency, city-wide, of Type I or Type II force.

Figure 3: Use of Force Counts by Type by Month

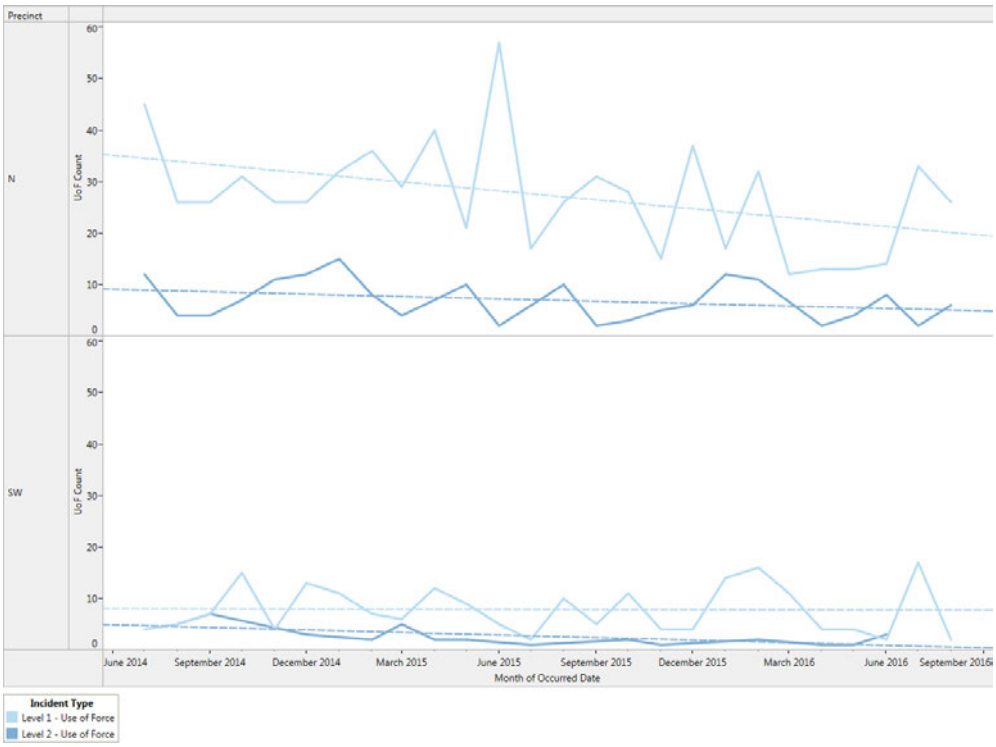


When controlling for precinct, reports of Type I force declined significantly but with small effect[7] in the North Precinct; reports of Type II force declined significantly with moderate effect[8] in the Southwest Precinct.

[7] $p = .04$, $r^2 = .16$
[8] $p = .01$, $r^2 = .44$

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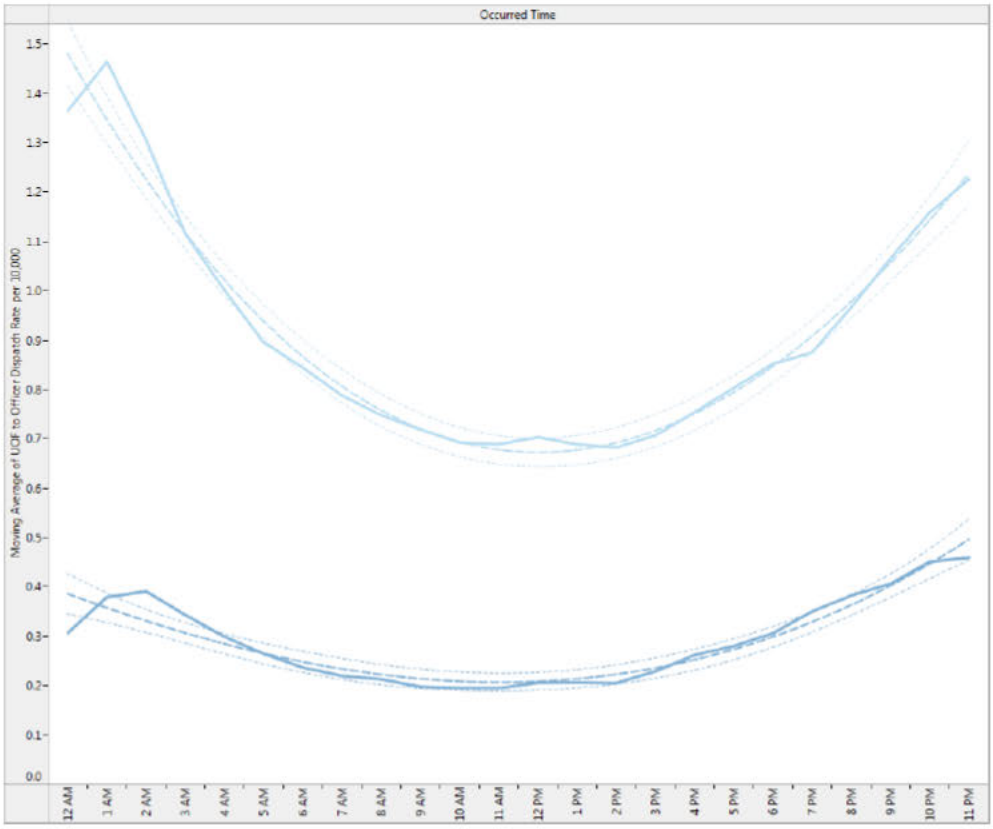
Figure 4: Use of Force Counts, Type I and II, North and Southwest Precincts



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Both Type I and Type II rates of force tend to peak on Saturday night and early Sunday morning, a trend that is consistent with data showing that calls for service and officer activity generally are elevated at times closely associated with nightlife activities. Both Type I and Type II force tend to peak between the hours of 10:00 and 11:00 p.m. Type II force is at an observed maximum for a longer period of time, between 4:00 and 9:00 p.m., but at a much lower rate (on average, 0.6 per 10,000 dispatches).

Figure 5: Use of Force Rates by Time of Day



Force occurs with greatest frequency on Third Watch. Nearly half (47%) of all force reported during the study period occurred between the hours of 7:00 p.m. and 3:00 a.m. This pattern is consistent across all Precincts.

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Table 8: Distribution of Use of Force by Type and Watch[9]

Watch	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
1st Watch	11.46%	3.01%	0.17%	0.12%	**14.75%**
2nd Watch	27.32%	10.58%	0.31%	0.38%	**38.59%**
3rd Watch	34.11%	11.53%	0.66%	0.36%	**46.66%**
Grand Total	**72.89%**	**25.12%**	**1.14%**	**0.85%**	**100.00%**

All force types were reported in all five Precincts, with the exception of the Southwest Precinct which did not report any officer involved shooting over the 25 months reported here. The West Precinct reported more than one quarter (25.5%) of all force used in the City. The North and East Precincts each reported approximately 22% of force; South Precinct reported approximately 18% of force, and six percent (6%) was observed in the Southwest Precinct. Seven percent (7%) of force was used during enforcement activities outside the City (such as regional taskforce or mutual aid operations).

Table 9: Use of Force by Type and Precinct

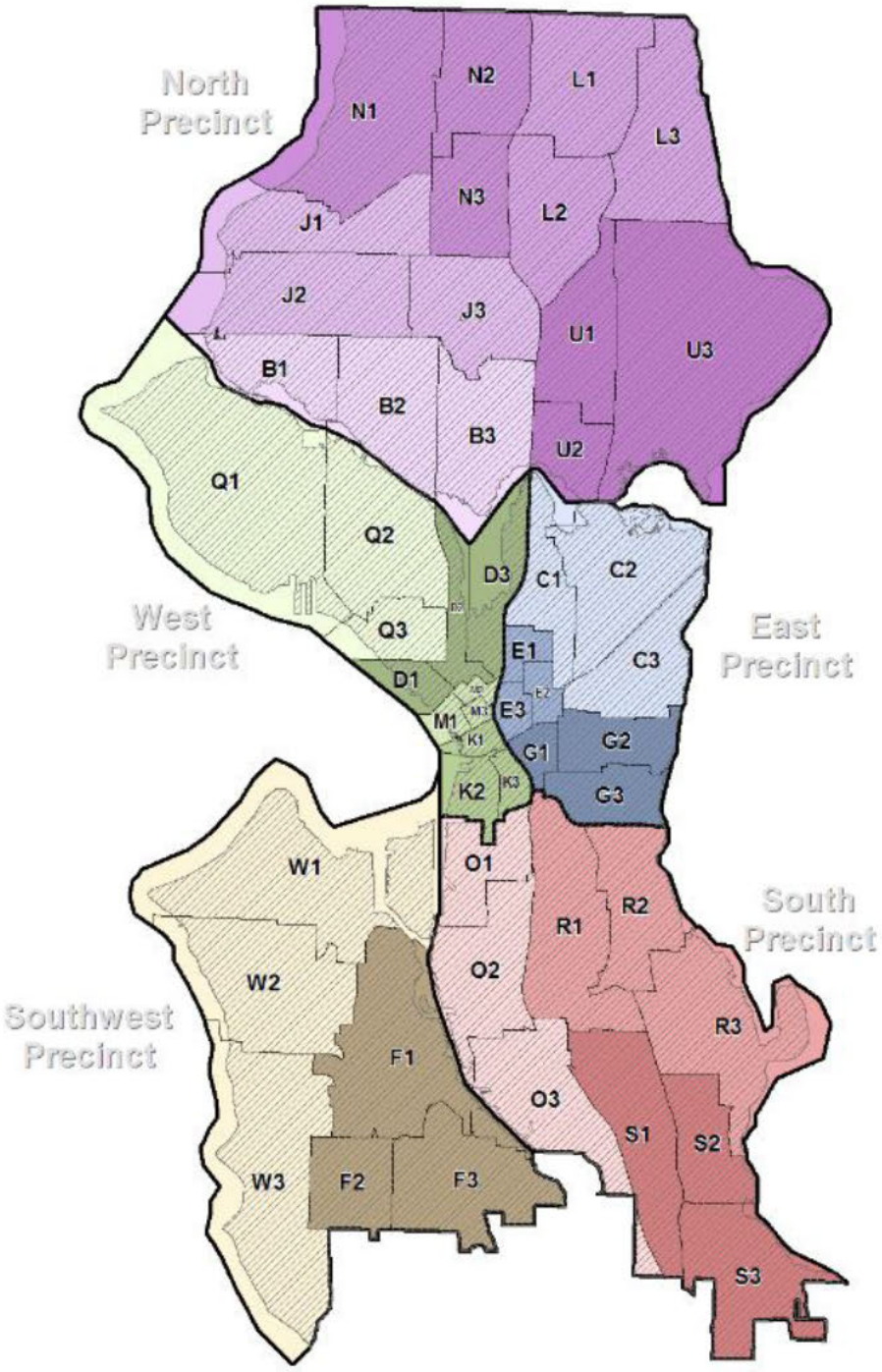
	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
West	15.78%	9.27%	0.38%	0.12%	**25.55%**
East	15.40%	6.20%	0.31%	0.02%	**21.93%**
North	16.95%	3.93%	0.33%	0.43%	**21.64%**
South	14.11%	3.55%	0.07%	0.29%	**18.02%**
Outside City	5.82%	1.24%	0.02%		**7.08%**
Southwest	4.86%	0.88%	0.02%		**5.77%**
Grand Total	**72.92%**	**25.08%**	**1.14%**	**0.86%**	**100.00%**

Type I and Type II force was observed in every sector of the City. Edward (E), Sam (S) and King (K) sectors (see Figure 6) represented nearly one-third of all reported force. No Type III force was reported in Queen (Q), Nora (N), Sam (S), Ocean (O), or William (W) sectors.

[9] Officers are assigned to one three watches. First watch is from 0300-1200 hours, or 0330-1230. Second Watch is from 1100-2000, or 1130-2030. Third Watch is from 1900-0400 or 1920-0430.

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Figure 6: Beat Map



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For purposes of orientation, a beat map showing the City of Seattle, divided by precinct, sector, and beat (1, 2, 3) is shown in Figure 6.

Figure 7: Use of Force by Type and Sector

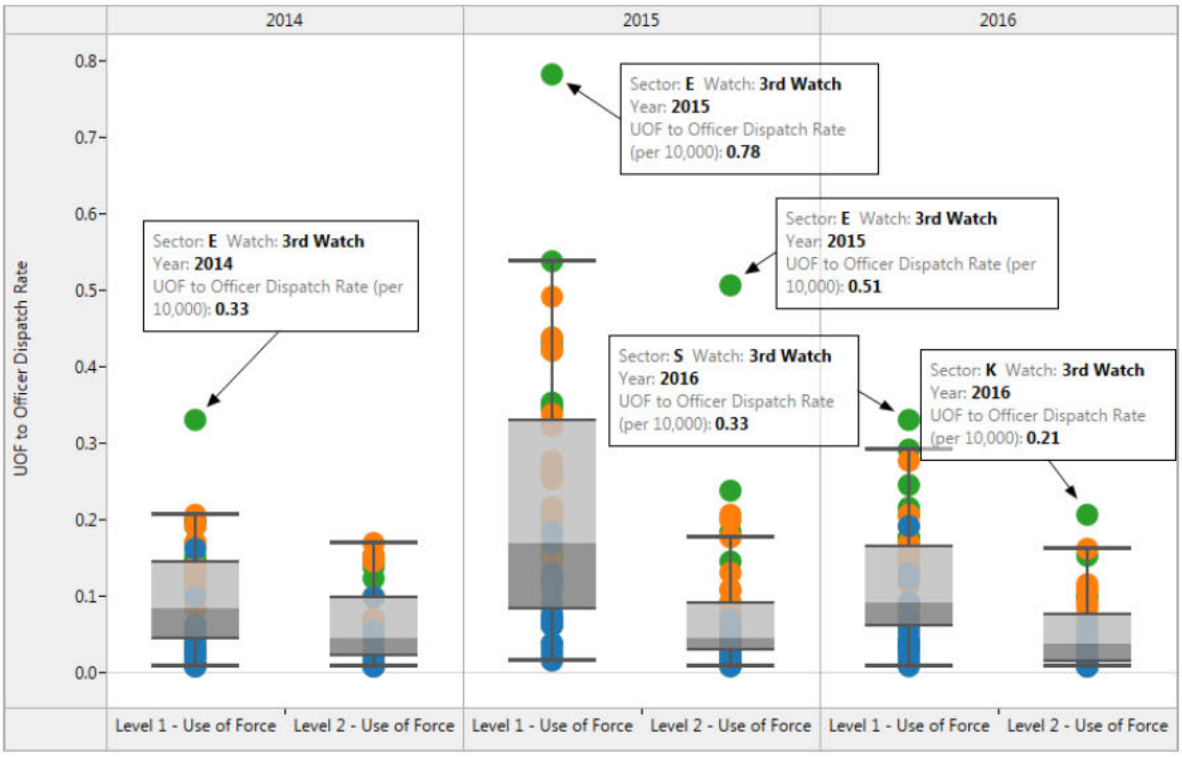
		Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
West	K	6.16%	3.16%	0.18%	0.03%	**9.52%**
	M	4.69%	3.31%	0.10%		**8.11%**
	D	3.80%	2.98%	0.13%		**6.90%**
	Q	2.33%	0.54%		0.10%	**2.98%**
East	E	8.72%	4.00%	0.21%		**12.93%**
	G	5.44%	2.13%	0.08%	0.03%	**7.67%**
	C	2.41%	0.54%	0.05%		**3.00%**
North	N	5.18%	1.00%			**6.18%**
	L	4.05%	0.87%	0.03%	0.03%	**4.98%**
	J	3.64%	0.67%			**4.31%**
	U	2.77%	0.59%	0.23%	0.38%	**3.98%**
	B	2.59%	1.10%	0.10%	0.05%	**3.85%**
South	S	6.98%	1.77%		0.28%	**9.03%**
	R	5.72%	1.36%	0.08%	0.03%	**7.18%**
	O	2.49%	0.69%			**3.18%**
Southwest	F	3.08%	0.59%	0.03%		**3.69%**
	W	2.15%	0.36%			**2.51%**
Grand Total		**72.22%**	**25.65%**	**1.21%**	**0.92%**	**100.00%**

An outlier analysis of rates of force by sector further illuminates the distribution shown above. Using an Inter-Quartile Range (IQR) calculation for the identification of outliers, Third Watch Edward Sector consistently represents the upper limit of the range of rates of use of Force (Type I force, .78 per 10k dispatches in 2015). The green circles in Figure 8 below indicate outlier sectors and watches for each year and type of force included in the study period. Third Watch Sam and King sectors are similarly represented in the IQR plot. This finding is not unexpected; consistent with data showing that both calls for service and uses of force peak during Third Watch around nightlife closing hours, both King and Edward sectors have significant nightlife activity that, especially during spring and summer months, is not infrequently associated with large fight disturbances and opportunistic robberies. Sam sector encompasses a high concentration of shots fired and violent crime calls; King sector has a high level of narcotics enforcement. Future versions of this report will look at crime reporting trends and calls for service across precincts and sectors to determine any patterns of activity that may correlate with use of force, for those interested in exploring the data on their own, crime data, broken down by precinct and micro-

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community policing plan, is publically available in raw form through the City's open data portal (data.seattle.gov); interactive dashboard views are available on the Department's website.

Figure 8: Outlier Sector and Watch by Year and Type of Force



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SECTION II: FORCE INVESTIGATION AND REVIEW

One of the most critical reforms implemented under the Consent Decree is the requirement that all uses of force are thoroughly and critically reviewed. While the section above provides data and statistics about the frequency and distribution, it is the substantive review of each force case by the chain of command, the Force Review Unit, and the Force Review Board that determines whether force is in or out of SPD policy. If any reviewer in the chain of command or the FRU, or if the FRB by consensus, finds an indication of a policy violation, whether related to the force or otherwise, that case is required to be referred to the Office of Professional Accountability for further review and a determination about whether there is any policy violation, and if so, the level of recommended discipline. In addition, the OPA Director or his designee sits in on all FRB discussions, and has the prerogative to take for further review any case regardless of whether the FRB separately refers.[10]

This Section describes the investigation and review processes for Types II and III uses of force, provides a summary of each Type III force investigation initiated by the Force Investigation Team (FIT) between January 1 – December 31 2016,[11] and discusses assessments by the Force Review Board (FRB) of both Type II and Type III cases reviewed during 2016.

A. INVESTIGATION OF FORCE

Investigation of Type II Use of Force

Investigation and Review of Type II uses of force are governed by SPD Manual Sections 8.400 and 8.500.

Officers who are involved in using Type II force are required to notify an on-duty sergeant of the incident, upload and flag in-car video with the incident number, complete necessary documentation relating to the incident (General Offense report) and submit a detailed use of force statement before leaving their shift. Officers who witness a Type II use of force are likewise required to submit a witness officer use of force statement prior to ending their shift.

[10] In 2015, of the 30 officers the FRB referred to OPA for investigation of a violation of the use of force policies, OPA issued a sustained finding with respect to three. In 2016, the FRU or FRB referred 9 complaints to FRB regarding an officer's use of force; to date, only one has been sustained.

[11] Because processes for force review evolved significantly over 2014 and 2015, the Department limits this Section to cases that were investigated and reviewed during the calendar year of 2016. A deeper discussion of the work of the Force Investigation Team and the Force Review Board prior to 2016 can be found in the Monitor's First Systemic Assessment concerning Force Investigation and Reporting (issued September 2015) and Second Systemic Assessment concerning the Force Review Board (issued November 2015), both of which found the Department to be in compliance with respect to the Force Investigation Team and the Force Review Board.

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The responding Sergeant is responsible for conducting the investigation into the use of force. The Sergeant interviews the subject, the involved officer(s), any witness officers, and any civilian witnesses. The Sergeant reviews the officer's statement to ensure it is thorough and complete and review, secures relevant in-car video, and provides a summary narrative of the incident and description of the evidence gathered and the investigative process. This summary, and all supporting documents, are then forwarded up the chain of command.

During the first half of the year, the investigating Sergeant was also responsible for conducting the first-level review of a Type II use of force incident, which included the often time-intensive task of viewing all available video evidence (in-car and any other video obtained from a canvas). To enable Sergeants, as first-line supervisors, more time to actively engage with their squads in the field while still ensuring that Type II incidents received thorough, critical review, in July 2016 the Department implemented the new position of Administrative Lieutenant for each precinct. Sergeants retain investigatory responsibility, but Administrative Lieutenants now absorb much of the analytical work of force review for which Sergeants and reviewing Lieutenants had been responsible. The Administrative Lieutenant is responsible for reviewing and bookmarking (identifying in the system) relevant sections of all video evidence, ensuring that the investigations (for both Type I and Type II uses of force) and force reports are thorough and complete, analyzing the force for policy, training, tactical, or equipment issues, and ensuring that the force was properly categorized. This quality assurance measure enables the Department to recognize investigative issues or omissions at an earlier stage of review, more efficiently refer officers for additional training as necessary, and take more timely and proactive action in response to potential policy violations. The Administrative Lieutenant provides the completed investigation and administrative review to both the officer's assigned Lieutenant and the Precinct Captain, who forward Type II cases up to the Force Review Unit.

Investigation of Type III Force

Investigation of Type III uses of force, including Officer Involved Shootings, are governed by Manual Sections 8.400 and by the FIT Manual, a comprehensive guide for conducting thorough, complete investigations, interviews, and analysis.

The Force Investigation Team is responsible for investigating all Type III uses of force by Seattle officers. FIT also investigates serious assaults against officers, any discharge of a firearm by an officer, in-custody deaths (both within SPD custody or, by agreement with the King County Jail, any deaths occurring in the jail or within 72 hours of release of the jail), and any use of force incident in which the supervisor believes there was misconduct in the application of the force.

FIT consists of a Captain, a Lieutenant, a Sergeant, and six Detectives. The team is deliberately decentralized from SPD headquarters, and is instead located in the same building as the Crime Scene Investigation Unit and the State Crime Lab at Airport Way Center. This location facilitates

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ease of access to the Evidence Section, the Crime Lab, the Photo Lab, and allows for privacy of officers from their coworkers at each precinct when needed as witnesses in a FIT case.

Table 1: Total FIT Responses (2014-2016)

Year	Responses	Number of Officers	OIS (Fatal)	Return To Patrol	In-Custody Death	Unintentional Discharge	Misconduct Response[3]
2014	46	70	9 (5)	8	2	3	2
2015	26	50	5 (2)	3	2	3	2
2016	32	49	4 (2)	4	1	2	2

Table 1 shows a breakdown of total FIT responses for each of 2014, 2015, and 2016. Response total reflects all responses by the FIT team, including non-force-related incidents (e.g., assisting an outside agency, jail death,[12] or assault on officer investigation). The number of officers reflects the total number of officers who used force at any level (Type I, II, or III) across all incidents investigated by FIT; because each force case is investigated according to the highest level used in that incident, one FIT case can include multiple uses of force at lower levels as well. As Table 1 shows, while the number of FIT callouts has fluctuated between 2014 and 2016, the number of officers involved in these cases has shown a steady decrease, especially when it is considered that one case investigated in 2015 was an officer involved-shooting, mentioned earlier in this report, following a prolonged, high-speed pursuit of an armed carjacking subject, which involved 29 separate uses of force, including 11 separate officers who discharged their firearm. Although, again, the *n* is too small to draw any statistical significance from the fluctuation, and each case is fact-dependent, it may be that the reduction in call-outs overall 2016 is due in part to officers becoming more familiar with reporting and classification requirements; the reduction in officers involved may reflect to some degree the officers increased training in team tactics and de-escalation.

Of the 32 incidents to which FIT responded in 2016,

- Four were Officer Involved Shootings (OIS), two of which were fatal.
- One involved a firearm discharge at an animal
- Two were unintentional firearm discharges that did not result in any injuries.
- One concerned a jail custody death.

[12] There have been no deaths of subjects in SPD's custody since FIT was established. All refer to deaths in the King County Jail, which FIT investigates per agreement with King County.

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- On four occasions, the use of force was determined at the time of the response not to meet the criteria for Type III classifications, and the investigations were returned to Patrol for investigation at the appropriate level.
- On one occasion, an incident was reported as unintentional discharge but subsequently determined to be property damage otherwise caused.
- On one occasion, FIT was called upon to provide assistance to an outside agency involved in an OIS in which the subject was brought to Harborview Medical Center
- Seventeen of the remaining 18 cases each involved one or more Type III uses of force.
- Finally, one case involved a use of force that appeared to meet Type III criteria until the investigation was near complete.

Typical FIT Response Process[13]

A typical FIT response is initiated when FIT receives a screening call from an on-scene sergeant or other supervisor. FIT directs the supervisor to sequester the involved officers and have them escorted individually, by an uninvolved officer to the FIT office. The OPA Director, the Crime Scene Investigation Unit (CSI), Training Unit, and executive members of Command Staff are also notified to respond to the scene as appropriate. The federal Monitoring Team is also notified.

FIT detectives are responsible for gathering physical evidence, eyewitness and involved subject statements, and any video evidence, both at the scene and through later canvassing of the neighborhood, news media and internet. At the scene, the lead FIT investigator consults with CSI, Training, and OPA regarding the evidence gathered; if there is any indication of criminal conduct by the officer, the investigation is bifurcated such that the administrative review of the incident is screened from the criminal investigation. No case investigated during either 2015 or 2016 involved a criminal allegation.

Involved and eyewitness officers are interviewed, separately, at the FIT offices, for purposes of capturing as close to the event as possible their perceptions and recollections of the incident. Recognizing that video is only one piece of evidence, can be misleading, and is often incomplete, FIT has moved towards not permitting officers to watch video prior to giving their statements, so as capture as cleanly as possible what the officer perceived leading up to and at the moment the force was used.

When complete, the FIT investigation and CSI investigation, if any, is formally presented to the Force Review Board. A completed FIT investigation is required to cover, where applicable:

- A summary of the incident;
- Scene description, diagram, and/or photographs;
- Witness and video canvass;

[13] FIT policy and procedure is set forth in greater detail in SPD Manual Section 8.400.

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- Subject information;
- Witness information;
- Injuries, either to officer or subject;
- All physical evidence;
- Clothing analysis;
- Weapons and weapon testing/analysis;
- Personnel involved;
- Any communications concerning the incident or the investigation;
- FIT callout notifications; and
- Detective's log of investigation steps.

Overview of FIT Responses 2016

The following is intended to provide a neutral statement of each of the 32 incidents to which FIT responded during 2016. This is not intended to provide a detailed analysis, nor is it intended to convey a qualitative determination as to the use of force, which by policy is the purview of the FRB in each of these cases. Further, while an overview of the FRB's case dispositions in the aggregate is presented later in this section, not all of the cases here have yet undergone FRB review.

Incident No.	Precinct	Summary
2016-010077 • **Type III OIS (Non-Fatal)** • **5 Involved Officers**	West 2nd Watch	An officer investigating an attempted auto theft on Queen Anne Hill observed a possible suspect at Kerry Park (211 W. Highland). As the officer exited his vehicle, the subject turned and advanced towards him, armed with two knives. The officer attempted to retreat. The subject did not obey orders to stop and to drop the knives and continued to advance as the officer retreated. The officer discharged his firearm, striking the subject. The subject was able to enter and lock himself in the officer's patrol vehicle. As the subject was attempting to retrieve a patrol rifle from the vehicle, officers were able to open the door. An attempt to apply a Taser was unsuccessful. After the subject threw a knife at an officer, disarming himself, officers were able to take him into custody.
2016-019118 • **Type II** • **2 Involved Officers**	West 3rd Watch	West Precinct Anti-Crime Team (ACT) officers were conducting a narcotics operation near 3rd Avenue and Bell Street and had developed probable cause to arrest a subject. The subject fled when contacted, and officers pursued on foot. The subject alleged that officers kicked him in the neck during the arrest. The officers summoned the Seattle Fire Department to treat the subject, and FIT responded, interviewed the subject, and reviewed in-car video footage. SFD found no injury, and the subject interview indicated that the incident did not meet Type III criteria. The investigation was turned over to Patrol to conduct a Type II investigation.
2016-027335 • **Type II** • **1 Involved Officer**	East 2nd Watch	Officers responded to a call of a hit and run collision, following which it was reported that the subject fled on foot, climbed into a passing vehicle, and then attempted to carjack another vehicle. The subject fled from officers; following a brief foot pursuit, the subject assaulted one officer. Force was used to take the

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		subject into custody, including a TASER application and knee strikes. An initial medical assessment at Harborview Medical Center concluded that the subject had no fractures but did have walking pneumonia. After an officer overheard a member of the medical staff state that he believed the subject's lung condition was connected to the TASER application, FIT was called to respond. FIT detectives were advised by medical staff that the subject's medical condition was not believed to be related to the TASER application, and the investigation was returned to Patrol to investigate as a Type II incident.
2016-062644 • **Type III OIS (Fatal)** • **6 Involved Officers**	North 2nd Watch and North ACT	Officer in plain clothes monitoring a residence for a wanted robbery subject observed possible narcotics activity at the location. The subject, who was not the robbery suspect but was known to the officers, pulled up in a vehicle and headed into the residence, where officers lost sight of him. Officers observed a handgun on his hip. Officers confirmed through records checks that the subject as a convicted felon and an armed career criminal. Officers called in additional units with the intent to arrest the individual as he returned to his vehicle. Instead, the subject returned to the location approximately 30 minutes later in a different vehicle. Additional units moved in, and officers approached the subject. The subject did not appear to follow instructions and instead appeared to be reaching for his handgun. Two officers fired on the subject.
2016-072094 • **Type III/** • **Misconduct** • **1 Involved Officer**	Southwest 1st Watch	Officers were dispatched to a report of a man throwing large furniture out of a third-story window into an alley below. Officers arrived and witnessed the subject continue to throw items out of the window. Officers contacted the subject, who was found to be in crisis. During the contact, an officer deployed his TASER. The officer was referred to OPA for the TASER use, and FIT conducted the investigation as a Type III incident. OPA issued a finding of Not Sustained.
2016-079594 • **Type I** • **1 Involved Officer**	South 3rd Watch	FIT responded to a complaint of wrist pain during arrest that was initially thought to involve a broken wrist; it was determined that what appeared to be a broken wrist was instead a congenital defect, and the case was reclassified as a Type I.
2016-151143 • **Type III** • **3 Involved Officers**	West 3rd Watch	During the May Day demonstration march on May 1, officers were staffing a crowd control line that was moving the marchers south on 4th Avenue S. The subject confronted officers behind the main formation of officers. As officers were arresting the subject, another subject attempted to interfere with the arrest. Both subjects were taken to the ground. One subject complained of an injured shoulder, which was later determined to be dislocated. (The subject had a history of prior shoulder dislocations.)
2016-104314 • **Type I** • **Self-Inflicted GSW (non-fatal)** • **4 Involved Officers**	West SWAT	SWAT attempted to service a warrant on a robbery suspect. The subject barricaded himself in his apartment unit and declared that he was armed and had a juvenile with him. The Hostage Negotiation Team arrived and attempted to negotiate with the subject. After several hours, the subject released the juvenile, but did not exit his unit. Several flash bangs (Type I force) were deployed outside the unit in attempts to flush the subject out. Approximately nine hours after SWAT arrived, the subject called KIRO news, then shot himself. No Type III force was involved but FIT was called to investigate the Type I force at the request of the incident commander.
2016-174262 • **Type II** • **3 Involved Officers**	East 3rd Watch	Officers were dispatched to an assault call involving a young female who had been struck in the face, with a large stick, by the male subject. As officers attempted to arrest the subject, he pulled away and fell to the ground, where he was eventually handcuffed after brief resistance. Because the subject was believed to had sustained a possible dislocated shoulder, FIT initiated a Type III response. Partway through the investigation, the subject was discharged from the hospital after

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		medical staff could find no significant injury. It was noted that the subject refused medical treatment for several hours before he could be fully examined.
2016-185319 • **Firearm Discharge – Animal** • **1 Involved Sergeant**	South Gang Unit	A sergeant responded to a 911 call regarding a pit bull attack on two individuals. When the sergeant arrived, he observed a woman on the ground, a man taking refuge on top of a car in the road, and the pit bull in the street in the process of attacking another dog. An attempt to subdue the pit bull with OC spray was ineffective. The sergeant shot the pit bull to end the attack. Both bite victims were taken to Harborview, one with severe injuries.
2016-218268 • **Type III OIS (non-fatal)** • **1 Involved Officer**	East 2nd Watch	Officers responded to a domestic violence disturbance incident in which the caller reported that his husband was suicidal and chasing him with a knife. Officers located the victim alone on a street corner and contacted him. Almost immediately following the officers' initial contact, the victim pointed out the subject, walking towards them and armed with a large chef's knife in each hand. After the subject ignored repeated orders to stop and drop the knives, one officer fired multiple shots.
2016-224740 • **Type II** • **2 Involved Officers**	West 2nd Watch	Officers on-viewed the theft of a phone in Westlake Park. They apprehended the subject, who resisted and spat on the officers. The subject was taken to the ground, arrested, and transported to the West Precinct. There, the subject told the patrol sergeant that she lost consciousness and broke a tooth during the arrest. The subject, who suffered from mental health issues, repeatedly refused medical treatment and could not be examined for injuries. She was medically cleared by the King County Jail and booked.
2016-234190 **Type III** • **4 Involved Officers**	South 2nd Watch and K9	Officers and a K9 unit tracked a carjacking suspect who had fled into the woods. The subject was apprehended by the application of a K9 bite. Initially, the incident was screened with FIT as a Type II. The next day, FIT was notified that the subject had been admitted into Harborview Medical Center for infection issues near the bite site. Because of the potential for serious injury from infection, the incident was upgraded to a Type III investigation; the infection was later determined not to be related to the bite and consistent with a previous underlying condition.
2016-246766 • **Type III/** • **Misconduct** • **1 Involved Officer**	West 2nd Watch and K9	Officers were dispatched to a 911 call concerning a man smoking marijuana and masturbating in a children's playground. Officers contacted the individual and, after he resisted, wrestled him to the ground. Witnesses reported that an officer applied a chokehold to the subject during handcuffing.
2016-266888 • **Type II** • **2 Involved Officers**	South 3rd Watch	A subject threatened to fight officers who had responded to an assault at the Thunderbird Rehab Center. Officers de-escalated the situation, and the subject submitted to arrest. While officers were searching the subject in front of a patrol car, the subject kicked one of the officers. The officers decided to take the subject to the ground to prevent further assault. The subject's head struck the ground, causing a laceration to his face and possible loss of consciousness. The subject was treated at Harborview and released into King County Jail custody.
2016-270224	Non-SPD	FIT was called to investigate a death at Harborview Medical Center of an individual in King County Jail custody.
2016-266229 • **Type III** • **1 Involved Officer**	Kirkland (Mutual Aid)	Kirkland Police were searching for a vehicular assault suspect and request a K9 unit from SPD. A K9 officer responded and located the subject; during the arrest, the subject sustained a dog bite. The subject was left in the custody of Kirkland Police, and SPD's K9 sergeant began a Type II investigation. While interviewing the Kirkland officer, the sergeant learned that the subject had a broken arm that was believed

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		to be from the dog bite. The sergeant notified FIT, who assumed responsibility for the investigation.
2016-289871 • **Type II** • **1 Involved Officer**	West Off-Duty	FIT responded to a possible Type III incident which an off-duty officer performed a takedown on a shoplifter who had assaulted him. It was reported that the subject might have sustained a loss of consciousness and a possible closed head injury. During the investigation, FIT learned that the officer did not use any force resulting in the subject's head striking the ground; rather, bystanders witnessed the subject withdraw a pocket knife while struggling with the officer and they, unbeknownst to the officer, took the subject to the ground head-first. The subject sustained no serious head injury and was medically cleared for booking into King County Jail.
2016-299568 • **Type III** • **6 Involved Officers**	North 3rd Watch	Officer investigating a possible burglary contacted the subject and a female companion. The subject was discovered to have an existing warrant for his arrest and, upon realizing he was about to be arrested, ran from officers. The officers caught the subject a few steps into a foot pursuit. The subject struggled on the ground until officers were able to get him into handcuffs. At Harborview Medical Center, the subject was determined to have suffered a minor fracture, or bone chip, in his shoulder.
2016-306737 • **Type II** • **2 Involved Officers**	West 3rd Watch	Bike officers attempted to arrest a subject who was observed to be selling narcotics at 3rd Avenue and Yesler Way. She began to fight with the officers and was taken to the ground and handcuffed. She reported that she lost consciousness while she was on the ground.
2016-317033 • **Type I** • **1 Involved Officer**	West 2nd Watch	Officers had arrested the subject and his brother for shoplifting at a downtown store. As the officers were walking the subject across the street to their patrol car, the subject reportedly struck one officer in the groin and had attempted to run. The subject tripped, and the officer fell on top of him to keep him under control. The subject reported to the screening sergeant that the officer put his arm or leg across his throat for several seconds, preventing him from breathing. This resulted in a FIT response.
2016-368725 • **Type III OIS (fatal)** • **2 Involved Officers**	South CPT	Officers were in the greenbelt area under I-5 on an access road, conducting the East Duwamish Greenbelt Encampment Clean-Up Operation. During the operation, a sergeant and a precinct captain on-viewed a fight in progress. The subject was armed with a knife and had caused a laceration to another male. The sergeant and captain attempted to intervene and ordered the subject to drop the knife. The subject assumed a fighting stance, adjusted the knife in his hand, and refused repeated commands to drop the knife. The sergeant fired multiple shots.
2016-378706 • **Type II** • **2 Involved Officers**	East 2nd Watch	Officers responded to reports of a man in crisis, who was reported to be armed with a knife and cutting himself. As several officers arrived, the subject charged at the officers. One officer deployed a TASER, which failed due to the dart striking the subject's belt. Another officer attempted to take the subject down from behind after the failed TASER deployment. In-car video suggested that the officer's arm may have gone around the subject's neck during the takedown, and FIT responded to investigate the possibility of a neckhold.
2016-380124 • **Type III** • **5 Involved Officers**	Outside of Seattle	Officers observed a stolen vehicle that had been listed in connection with several armed robberies in southwest Seattle over a period of three days. The vehicle fled, and after a short pursuit, crashed. Two subjects then fled on foot; others were arrested at the scene. One of the fleeing subjects was pushed into a wall during a brief foot pursuit, resulting in a possible loss of consciousness.
2016-393530 • **Type I** • **2 Involved Officers**	West 3rd Watch	FIT was called to assess possible injuries sustained during the arrest of a barricaded felony assault suspect. Preliminary screening revealed no Type III criteria, and the investigation was turned over to patrol to investigate as a Type I for handcuffing pain.

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2016-418398 • **Type III** • **3 Involved Officers**	West 2nd Watch	Officers responded to a disturbance at the downtown Macy's in which store employees were being assaulted. Officers arrived and found the subject in the process of assaulting a store manager. They intervened and separate the subject from the employee. The subject resisted arrest and force was used to take the subject into custody. The subject was later found to have a dislocated shoulder.
2016-427312 • **Firearm Discharge** • **1 Involved Officer**	Burien	An officer was gathering his gear, preparing to report to work. As he inspected the hammer on his revolver, he accidentally lowered the hammer on a live round, discharging the firearm through the floor and into his basement.
2016-436442 • **No SPD Involved**	Mutual Aid Assist	FIT investigators were called to Harborview Medical Center to assist Juneau Police in an investigation involving an officer-involved shooting that occurred in Alaska.
2016-438079 • **Type III** • **2 Involved Officers**	West 3rd Watch	A subject arrested in a drug operation began contorting her arms while in handcuffs. She then complained of a dislocation, which was confirmed by medics.
2016-458856 • **Type III** • **2 Involved Officers**	West 2nd Watch	Officers on patrol at 3rd and Pike were attacked by a subject, unprovoked. One officer sustained a broken leg, another sustained a facial injury and possible concussion. The subject claimed that he lost consciousness during the officers' efforts to restrain him for handcuffing.
2016-459569 • **Possible Firearm Discharge** • **1 Involved Officer**	South 2nd Watch	A possible bullet hole was discovered in a patrol car. During a Homicide and CSI investigation, it was discovered that the bullet hole may have resulted from an accidental discharge. The investigation was transferred to FIT, during which is was learned that an officer fired a personally-owned air rifle within the vehicle, causing the damage.
2016-465796 • **Type III** • **2 Involved Officers**	West 2nd Watch	Following the arrest of a felony shoplift suspect from Nordstrom's, the subject alleged that his tooth was broken during the arrest.

B. FORCE REVIEW UNIT/FORCE REVIEW BOARD

Introduction

The Force Review Board is a select group of Seattle Police Department personnel which meets regularly to make determinations as to (1) whether a Use of Force investigation is thorough and complete; (2) whether the force was consistent with SPD policy, training, and core principles; and (3) with the goal of continual improvement, whether any recommendations are made or other issues need to be addressed with respect to tactics, equipment, or otherwise.

The FRB is composed of standing members selected by the Assistant Chief of the Professional Standards Bureau. Only standing members of the FRB may participate in the deliberations and vote during board sessions. These standing members include one representative from the

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Training Section, three representatives from the Patrol Operations Bureau, one representative from the Audit, Policy & Research Section, and one representative from the Investigations Bureau. The Captain of the Force Review Unit (or Assistant Chief of Professional Standards in the case of an officer involved shooting review) is the standing Chair and casts the final vote if the Board's vote is evenly split. A quorum of four voting members must be present for the Board to review completed cases.[14]

In 2016, the FRB added a non-voting participant from the Crisis Intervention Team to answer issues related to a subject's mental health status, services they might be receiving, as well as assisting the FRB in determining if an officer used "best practices" in de-escalation. On several occasions, where appropriate, subject matter experts from specialty units (Canine, SWAT, and the Range) were also asked to attend an FRB to answer any unit-specific questions that may arise.

Case selection for the FRB is determined by policy and handled by the Force Review Unit. All completed Use of Force investigations are forwarded to the FRU using IAPro and Blue Team, a paperless computer system. These cases include Type I, Type II, Type III uses of force, and Firearm Discharges (both intentional and unintentional discharges).

By policy, the FRB reviews all Type III cases. The FRU, comprising a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II use of force reports. FRU staff and FRB members undertake the same inquiry, and apply the same standard of review, as the FRB when reviewing cases. FRU staff and FRB members attend the same annual training involving the objective analysis of force, which ensures that the FRU is conducting a thorough review of their cases consistent with the reviews conducted by the Board.

Type II cases are sent to the FRB by the FRU when any of the following factors are involved:

- Possibility of misconduct;
- Significant policy, training, equipment, or tactical issues;
- When FIT was contacted for consultation and declined to respond or investigate;
- When less-lethal tools were used on the subject;
- When a canine makes physical contact with the subject;

[14] Other observers to the Force Review Board may include Captains and higher, the Department's senior legal counsel, representatives from the City Attorney's Office, the DOJ, the Monitoring Team, and a representative from OPA. In cases involving an officer involved shooting, a citizen observer appointed by the Mayor's Office also attend. These observers may attend FRB meetings and ask questions, but they are not permitted to vote.

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- When the subject is transported to an emergency room.

All cases not selected for FRB review are reviewed by the FRU detectives and their chain of command. The FRU captain makes the final determination based on the FRU's reviews and recommendations. Bifurcating Type II use of force cases allows the FRB to focus its efforts on the more significant cases, such as Officer Involved Shootings, Type III investigations, and serious Type II cases. Additionally, a random 10% of cases reviewed each month by FRU are presented to the FRB for a second independent review – a mechanism to ensure quality control.[15]

Figure 2: Force Review Protocol



Figure 2 describes the review process for both FRU and FRB. Both look to ensure that the investigation was thorough, timely, and complete, providing all material evidence. Both answer the core inquiries of (1) whether the force was consistent with policy – including an affirmative obligation to de-escalate when safe and feasible to do so, and if there were issues with the force, whether supervisors appropriately identified those issues. The FRU considers – and the FRB discusses – all pertinent factors surrounding the force, including the tactics used and supervision at the scene. FRB determinations are documented and any issues identified are

[15] In late 2015, to ensure comprehensive reviews and evaluations of use of force incidents, the FRB underwent significant changes. The first change was to separate the FRB members into two groups that alternate months throughout the year. This decreased the amount of time away from each member's assigned duty unit and daily responsibilities while allowing for constructive discussions during the FRB from diverse points of view. The second change was to create a mechanism for following up on the broader policy, training, procedure, business process, and other systemic issues that the FRB flags and discusses during analyses of force incidents. This new system was created within IAPro and named "FRB Action." Once the FRB makes a recommendation, (i.e., policy change, referral for supervisory counseling, equipment request, etc.), it is entered into IAPro as a standalone request for action. These requests are forwarded to the chief of the Professional Standards Bureau, who then forwards it to the applicable bureau chief for consideration and follow-up if appropriate. This process accomplishes two objectives: (1) the recommendation is attached to the appropriate level of influence that can affect the most change, and (2) allows recommendations to be easily monitored for either completeness or further troubleshooting.

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referred to the appropriate commander for follow-up. If policy violations are suspected, the incident is immediately referred to OPA, or to the chain of command if appropriate under Manual Section 5.002, by the FRB Chair or designee, if not already referred by the reviewing chain of command.

Force Review Unit and Board Activity for 2016

Table 1: Type II, III & OIS Cases[16] Reviewed in 2016[17]

	FRB	FRU	Total
Complete	159	83	242
Pended	12	0	12
Total	171	83	254

During the time period covered by this report, the FRU/FRB reviewed 254 cases; 12 cases were pended to allow for further investigation or action by another unit. The 171 cases reviewed by the FRB included 14 cases that were initially reviewed by FRU but were randomly selected for FRB review as part of the quality assurance check.

[16] Case numbers in the above chart represents a single incident. A single incident might include multiple officers who report using force.

[17] The FRU also reviews Type I force that is included within cases involving a separate higher level force, as well as reviews, for quality assurance, each Type I report and supervisor review for completeness and timeliness. Of the 1,099 Type I uses of force reviewed by FRU during 2016, 36% involved the reporting of handcuffing pain only; 30% involved the reporting of pointing a firearm, and 34% involved complaints of pain (without injury).

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Table 2 shows the 171 cases reviewed by the FRB broken down by the highest force level in each case.

Table 2: Breakdown of Cases Reviewed by FRB by Type

Type I	4
Type II	141
Type III	17
OIS	6
Firearm Discharge	3
Total	171

All of the Type I cases were initially reviewed as a Type II or III, but reclassified by FRB as Type I following discussion and review. The FRB reviewed six officer involved shooting cases, three of which occurred in 2015. In total, there were four officer involved shootings in 2016, three of which were reviewed by the FRB; the remaining case from 2016 is scheduled for review in February 2017. Firearm discharges were reviewed, but not to the level of an officer involved shooting; of the three firearms discharges in 2016, one involved the shooting of a dangerous dog, and two were unintentional discharges that did not result in any injuries.

FRB and FRU determinations

There were 625 officers involved in the 254 cases reviewed by FRB and FRU. The numbers below represent the number of officers involved across the cases, aggregated, and the determination as by FRB and FRU as to whether each officer's actions were either approved as consistent with policy or pended while under review by another unit.

Table 3: Force Findings by Officer

	FRB	**FRU**	**Total**
Approved	386	185	571
Disapproved	3	1	4
Pended	48	2	50
Total	437	188	625

Of those cases that were assessed (*i.e.*, excluding those cases that were pended), the FRB and/or FRU approved the involved officer's use of force as within policy in 99% of instances.

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Table 4: Tactics and Decision Making by Officer

	FRB	FRU	Total
Approved	406	183	589
Disapproved	28	5	33
Pending	3	0	3
Total	437	188	625

Of the 171 cases reviewed by the FRB, the Board approved the tactics and decision making of officers in 94% of cases. The FRU approved the tactics and decision making of involved officers in 97% of cases.

Table 5: OPA Referrals

	FRB	FRU	Total
ICV	19	10	29
Use of Force	15	2	17
Other	29	12	41
Total	63	24	87

The FRU and FRB have an obligation to refer to OPA any policy violation, unless already referred by the chain of command. In addition, the OPA Director sits on the FRB, and can independently take any case for further investigation. While OPA will separately report out on its statistics, in 2016, out of the 437 officers reviewed, the FRB referred 63 (14%) to OPA for investigation of a policy violation; of these 63, 15 officers (3.5% of the total referrals) were referred for possible violations of the Use of Force policy. Out of 188 officers reviewed, the FRU referred 13% to OPA, 2 for possible violations relating to the use of force. Combined, the FRB and FRU referred 13.9% of involved officers to OPA for some type of misconduct/policy violation, the substantial majority of which were unrelated to the force itself (a significant number of referrals were for in-car video policy violations.) As of this writing, of the cases referred to OPA during 2016 by the FRU or FRB for investigation of a policy violation relating to a use of force, OPA has issued a "sustained" finding in only one of those cases. In 2015, of the 30 officers FRU or FRB referred to OPA relating to a use of force, OPA issued a "sustained" finding in 5 instances, only three of which related to the application of force itself.

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Field Supervision Relating to Use of Force Incidents

Of the cases reviewed in 2016, supervisors (one or more) were present when the force occurred in 65 (25.5%). Table 6 shows findings with respect to the performance of on-scene supervisors; included as well are FRB findings relating to how incident commanders handled an officer-involved shooting scene post-incident.

Table 6: On-Scene Supervision of Force Incidents

	FRB	FRU	Total
Approved	88	18	106
Not Approved	9	1	10
Total	97	19	116

Of the 97 supervisors reviewed, the FRB approved the supervision at the scene in 91% of cases. Of the 19 supervisors reviewed, the FRU approved the scene supervision in 95% of cases.

Table 7: Reporting and Investigation

Approval	FRB	FRU	Total
Yes	432	222	654
No	93	20	113
Total	525	242	767

There are typically three layers of review of any use of force at the precinct level. In 2016, a fourth layer was added in the form of an Administrative Lieutenant, who, as previously discussed in this report, is primarily responsible for completing and reviewing the investigations conducted by sergeants on-scene. FRU and FRB review the reporting and investigation by supervisors for thoroughness, completeness, and accuracy. Of the 525 supervisors in the chain of command who investigated and reviewed use of force incidents, the FRB approved their reviews in 82% of cases; of the 242 supervisors that FRU assessed, FRU approved of their reviews in 92% of cases.

FRU and FRB Feedback

The FRU submits monthly reports to each Precinct or Section Commander. These reports contain aggregated data on use of force, including force type, watch, and beat, providing commanders with an additional mechanism[18] for visibility into the activities of officers in their precincts and

[18] Later this spring, the Department will begin using DAP-generated dashboards that will be accessible by supervisors to provide real-time visibility into officer activity across a spectrum of measures, including use of force.

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squads. Additionally, commanders receive a copy of specific findings by FRU or FRB regarding incidents involving employees under their command. The monthly report highlights the number of instances in which force was used in each precinct, by force type, watch, and beat. These reports enable Precinct Commanders to be better informed as to what force is occurring, and when, within their precincts so trends or concerns can be identified.

In addition, these reports include general "lessons learned" based on observed trends identified by the FRU or FRB that can be integrated into general roll call reminders. Reminders range from administrative to tactical, including, from 2016 reviews:

- Officers should consider using AMR to transport subjects who are combative with officers or have a history of fighting with officers.
- Officers do not need to wait with someone while they are unrestrained until a warrant can be verified. For Officer safety, a subject can be placed in handcuffs while the warrant is verified.
- There continue to be radio "dead spots" in the city, particularly inside buildings. Officers should continue to be aware that this is a problem.
- If a subject claims injury (or a potential overdose), officers should call Fire and inform a sergeant. It is better to document that the subject declined treatment from Fire than to make the decision not to call at all.
- Undercover officers should always be under observation and have the ability to use a visual distress signal if communications are lost. The precincts should dedicate an adequate number of officers to monitor and respond if necessary to provide for the safety of the UC officer.
- A victim's permission is not required to move ahead with an assault investigation.

FRB Policy Recommendations

A supervisor from the Audit, Policy, and Research Section (APRS) sits as a member of the Board and is available as an immediate source for policy citation and explanation in the context of cases being reviewed. The APRS representative is also able to receive feedback on policies that are outdated, unclear, or no longer practical, allowing for the policy section to modify or revise policies as necessary responsive to Board feedback.

During 2016, the following policies were modified or under revision:

- **16-00003 – Arrests**
  At the recommendation of the FRB, a policy requirement that officers must identify themselves, inform the subject that he or she is under arrest, and state the reason for the arrest as early as practical was added.

- **16-00008 – Search Warrants**
  A statement was added clarifying the need for the screening lieutenant to consult with SWAT if any high risk factors are present.

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- **16-00009 – Arrest Warrants**
  This policy was revised to ensure that the language is consistent with that for search warrants.

- **Title 8 – Use of Force**
  In 2016, APRS submitted 92 changes (from grammar errors to process and procedural changes) for review and approval by the Department of Justice, the federal Monitor, and ultimately the Court. The majority of these points came from either the FRB or FRU.

  In addition, APRS is currently reviewing policies, based on recommendations from the FRB, relating to:

  - Transportation of Detainees
  - Vehicle Eluding/Pursuits
  - Excited Delirium
  - Chain of Command
  - Detainee Management in Department Facilities
  - Cooperating Victims
  - Searches – General

Tracking FRB Actions

The Force Review Section tracks all recommendations of the Board through the FRB Action module in IAPro/Blue Team. The FRB assigns recommendations to a specific unit with a required response date, and follows up with the assigned unit commander as to the status of the recommendation. The Professional Standards Bureau tracks, monitors, and ensures a response to Board recommendations, allowing for an efficient process to follow up with units across the Department while remaining consistent with the SPD command structure. If the unit commander to whom a recommendation is assigned determines not to implement the recommendation, that commander must submit the specific bases for that decision to the Professional Standards Bureau Assistant Chief. It is unfortunately not infrequent that good recommendations are ultimately rejected because of budgetary constraints.

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In 2016, FRB referred 130 actions to the chain of command, derived from 87 separate case reviews, broken down by categories as shown in Table 8. The FRB Actions were divided into 5 categories:

Table 8: FRB Recommendations

APRS - Equipment	12
APRS - Policy	9
Bureau Commander Referral	90
Training Unit Recommendation	14
Training Referral to Chain of Command	5
Total	130

A non-comprehensive but illustrative list of examples include:

Equipment

- The FRB requested that the Department purchase additional shields for Patrol due to the concern of officers being in close quarters with armed subjects.

- The FRB encouraged the Department to purchase a long-range, less-lethal device for Patrol officers. Having this tool could help resolve instances where a subject is outside Taser range but poses a high enough risk that less-lethal force is necessary. This recommendation was made during multiple reviews and is a priority for the Operations Chief.

- In order to increase the quality and consistency of interviews, the FRB recommended exploring the possibility of creating an "interview card" that Patrol officers can reference when interviewing witnesses to help ensure that the pertinent points are captured.

- The FRB recommended that the Department purchase evidence placards for officers to use in place of business cards to mark evidence. Officers routinely use their business cards to mark physical evidence at crime scenes which places a burden on CSI investigators who later must catalogue and remove these cards. Having placards would serve the dual purpose of highlighting evidence and prevent any inadvertent removal or destruction, and would lessen the burden caused by introducing new evidence via business cards.

- Cold fire extinguishers proved to be very valuable and extremely efficient tools during May Day 2016, particular when officers had to deal with combustible weapons thrown by protestors. The FRB recommended that cold fire canisters be standard issue for each officer involved in protests.

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- The FRB recommended that APRS research purchasing a different type of transport van to allow for an easier and safer way to transport prisoners. A different style of transport van could supplement or replace the need to use AMR to transport combative prisoners if it had proper restraints and allowed for easy placement of prisoners.

Policy Recommendations

- The FRB requested that APRS research creating a new category of statements specifically for supervisors involved in any tactical decision making. Requiring that involved supervisors and commanders write statements that include what orders were given to whom would provide a more complete view of the incident and reduce speculation about how events unfolded the way they did.

- The FRB suggested that APRS make a distinction in the current policy (8.300-POL-5[4]) between using impact weapons that are likely to cause deadly force and those that are not, as not all impact weapons meet the criteria for deadly force.

- The FRB requested that Noise Flash Diversionary Devices (flash bang) deployments be reclassified as a Level 1 use of force unless there is a reported injury or complaint of pain. They are currently classified as a Level 2 use of force; however, they do not emit projectiles and are used to create a visual and auditory distraction only.

- The FRB recommended that APRS clarify PIT policy on two points: Policy 8.300-POL-7 states that only trained personnel are to use PIT tactics; however once personnel rotate out of SWAT, it is unclear if they are still allowed to use the tactics once they reach other units. Prior policy that officers had to be assigned to specific units in order to use a PIT. Second, SWAT is required to administer annual PIT training per the same policy; this training, however, is done by the WSP.

- The FRB recommended that APRS consider drafting policy that would require personnel to use AMR for transporting combative prisoners. Officers are placed in a position where they may have to use force or risk injury to the subject when placing and removing a combative subject form the back of a patrol car. Placing a subject into four-point restraints in an AMR van could potentially mitigate the risk associated with trying to place them in a patrol car.

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Bureau Commander Recommendations

- The FRB requested that each Precinct chain of command attend the same use-of-force review training as FRB members.

- The FRU recommended that commanders remind their chain of command that they must get an extension approval if they forecast that their review timeline will exceed 14 days.

- The FRB requested that Precinct Sergeants, Lieutenants, and Captains provide clearer statements detailing their involvement use of force incidents, particularly regarding commands given.

- The FRB requested that FIT detectives be reminded to question involved officers regarding any de-escalation attempts following a significant use of force incident.

- The FRB sent feedback to a precinct chain of command involving a reminder to sergeants to utilize vehicle takedown tactics, as well as a reminder to advise witnesses that they are being recorded prior to providing their statements. A reminder was also sent to the Captain that water must be used as a decontaminant following an OC spray application.

- Precinct chains of command were reminded that AM/FM radios should be turned off while In Car Video is activated, and that they are required to document officers who are logged to the call but do not have marked ICV recorded.

- The FRB recommended several issues for the reviewing chain of command to address. These included advising officers when to use LEED/ verbal techniques to keep a subject engaged and calm, as well as a reminder that the policy violation of having AM/FM radio playing while ICV is activated does not require an OPA referral, but should be documented in a PAS entry.

- The FRB advised commanders to remind officers not to use "distraction strikes" as a counter to an active assault.

- The FRB recommended that patrol officers be reminded to place a barrier between subjects and other community members, in order to prevent risk of assault.

- The FRB requested that the Communications chain of command remind call-takers to obtain a description of the complainant to avoid confusion of the complainant and subject, if similarly dressed.

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- The FRB recommended that officers be reminded to stay off the air unless they have critical information to contribute during a major incident (*e.g.*, there is no need to broadcast that they are en route).

- The FRB made several recommendations for FIT investigation that included:

  - Having white board drawings (completed by involved officers) be memorialized in the case file.
  - Consider whether a supplemental interview should be mandatory in all OIS and possibly Type III investigations, which would provide an opportunity for an officer to give additional details recalled at a later date.
  - Interviews that do not provide any pertinent detail need not be transcribed; it is acceptable to retain them as audio files. The detective should summarize the fact that the files contained no relevant information in the follow up notes.

- The FRB recommended that FIT allow personnel involved in incidents, such as Type III investigations, the opportunity to sleep prior to their FIT interviews. The officers in the specific case at issue had been awake for almost 21 hours on the date of this incident. Many agencies, recognizing that a lack of sleep can lead to a lack of memory recall and can impact cognitive abilities, do not allow officers to be interviewed until they have had at least one sleep cycle.

- Some media outlets covering the events on May Day 2016 utilized helicopters to capture footage of the protests. The FRB recommended that commanders request to have the news helicopters move to a higher altitude so the police radios can be easily heard.

- The FRB recommended that the UOF sergeants selected to investigate May Day 2017 be reminded to also concentrate on the elements of the crime they are investigating, not just the elements of the force used. As seen in May Day 2016 and other incidents, the force investigation has been prioritized over the criminal investigation, causing criminal elements to be overlooked.

- The FRB recommended that a Bureau Chief remind watch commanders that they should screen a significant officer injury with FIT or the on-call Homicide sergeant, per policy 15.330. In the specific case reviewed by the Board, an officer suffered a broken rib during this incident while struggling with the subject but this portion of the incident appears to have been overlooked or not well documented in the General Offense Report.

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- The FRU Captain recommended that the chain of command document their performance counseling sessions for profanity and AM/FM radio use in PAS entries. It was unclear from the chain of command's review if PAS entries were made. If the chain of command chooses not to enter PAS entries, FRU requested they document a reason for not doing so.

- The FRB recommended that the Chain of Command remind a sergeant that he needs to summon Fire and assist with decontamination if a subject complains of injury/pain from OC exposure (per policy 8.300/#9). In this case, SWAT used OC canisters to compel the subject from his home and then he later complained he was affected by the OC exposure. The FRB recommended that a PAS entry accompany the counseling given to the sergeant in the specific incident.

- The Force Review Board received information about training recently provided by Homicide for Patrol officers, and requested that the Bureau Chief review this information and ensure the correct message is being given to Patrol. Specifically, the FRB was told that Homicide distributed filing standards for Assault 3 (Assault on an Officer) and stated that Assault on an Officer should be charged as a misdemeanor under the SMC code if the filing standards were not met. The Board did not want Officers to rely on filing standards when booking a subject for Assault 3 and wanted to emphasize that Officers should thoroughly and accurately document the assault without minimizing a subject's behavior if they were worried that the assault would not be charged as an Assault 3.

- The FRB requested that the East Precinct chain of command confirm with Swedish-First Hill that their staff will use soft restraints on a combative subject. The officers in the reviewed case were required to handcuff the subject to a gurney into order to allow the nurses to obtain a blood sample pursuant to a search warrant.

Training Unit Recommendations

- The FRB recommended that Training incorporate ICS training into 2017 sergeant's training and tactical training.

- The FRB recommended targeted ICS training for sergeants, lieutenants, and captains that specifies roles and expectations for each level of command following an OIS.

- The FRB recommended that Training research whether there is a preferred tactical method to round corners while in a vehicle after officers in an incident were pursuing an allegedly armed subject who was fleeing on foot and quickly rounded a corner to escape.

- The FRB requested that officers receive training on post-OIS firearm handling. The involved officers were not instructed what to do with their firearms immediately after the shooting so they deferred to firearm safety training and made the long rifle safe. Training officers in basic

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post-OIS firearm handling would help ensure that the proper protocols are followed before a supervisor arrives on scene.

- The FRB recommended that the department prioritize a criminal investigation over the use-of-force investigation if one incident has both elements. In reviewing multiple incidents, the FRB has found that the criminal investigation and subsequent case follow-up sometimes suffers as a result of sergeants focusing on the force element.

- The FRB recommended that the Education and Training Section create a reader board blast reminding officers to use AMR to transport combative prisoners.

- The FRB recommended that the Education and Training Section consider a tactical response for officers to use if a subject is able to grab ahold of their external vest carrier in a struggle. During an incident, officers were fighting with a subject who managed to grab onto an officer's tactical vest, placing the officer at a position of disadvantage.

- The FRB recommended implementing a tracking system to catalogue when tourniquets are used and the subsequent outcome. Training distribute the tourniquets so the FRB suggested that they also be tasked with tracking the outcomes, similar to the way the Department tracks nasal Naloxone dosing.

- The FRB recommended training bike officers more frequently. Bike officers receive a substantial amount of training just prior to May Day, however with the increase in the number of protests in 2015 and 2016, bikes are needed more frequently and sometimes without the benefit of advanced notice. Additional training could also be helpful for occasional bike officers who do not ride bikes as much.

Response to Monitor Recommendations

In the Monitor's Second Systemic Assessment, the Monitor issued specific recommendations in the following areas regarding the FRB:

- A mechanism for following up on the broader policy, training, procedure, business process, and other systemic issues that the FRB flags and discusses during analyses of force incidents.

- The ability to address and resolve the low quality of underlying investigations by supervisors and for the chains' erroneous findings as to policy.

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- How to train supervisors to identify and report potential misconduct and refer it to the Office of Professional Accountability (OPA) rather than passing the responsibility on to FRB.

The FRB Action Module in IAPro was created to address Item #1:

Originally, FRB finding reports were documented and recommendations were sent to the appropriate unit or Bureau Chief for follow-up. In response to the Monitor's recommendation, the Professional Standards Bureau Chief requested a more robust and trackable system for follow up to FRB recommendations.

The FRU developed and tested a system in IAPro to track requests for additional information, referrals back to the chain of command and recommendations (FRB Actions). This new module type now allows for the FRU to send out non-OPA related referrals, recommended changes to training, policy or equipment, and requests for additional information to the Chain of Command electronically. Importantly, this newly configured module provides the Department with the ability to easily monitor and track recommendations made by the Board, allowing the Department to see where, and with whom, these recommendations are at any given point.

Chain of Command Investigations and Reviews addressing Items #2 and #3:

In 2015, "the Monitor found in 29 percent [of use of force cases], the packet from the precinct omitted important evidence or information material to reviewing and analyzing the force. The Board sometimes, but not always, identifies deficiencies in the underlying supervisory investigation and review, but the Board is not designed to be the only backstop of accountability in these areas in the Department." In response to the report, the Department revised procedures by which the chain of command investigates the incident, reviews the case, and how the Department trains its supervisors.

Incident Investigation: The Professional Standards Bureau Chief directed the FRU to analyze the current use of force policy and determine whether a template could be produced which would standardize but not limit a supervisor in the investigation of a use of force. Using current policy, the FRU devised several bullet point guides which broke the investigation into three parts: scene guide, precinct and review guide, and write-up guide. These were not created as a "boiler plate," but rather a bullet point reference guide which investigators could use to ensure a complete and through investigation. These templates are now being currently used and have streamlined the investigating and analysis of force incidents.

Case Review: To facilitate the review process by the chain of command, the Department implemented a training curriculum for the newly assigned Precinct Admin Lieutenants – a new position in each precinct that will ensure quality, consistency, and completeness of force investigations before they are submitted to FRB. Standardization of training among the Admin Lieutenants will ensure the precinct chain of command is reviewing and addressing issues as directed by policy.

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Training: The Training Unit devised a training curriculum Department-wide for supervisors to address and resolve issues identified by the Monitor. The topics ranged from employee well-being, supervision skills, and investigating force. The training classes were scheduled from mid-2015 to early 2016. These classes included "Critical Analysis of Force Incidents for Supervisors" and "Taking Care." Both of these classes were mandatory for all sworn supervisors and acting sergeants.

"Critical Analysis of Force Incidents for Supervisors" provided supervisors with the necessary tools to conduct a critical analysis of force incidents. Supervisors were trained to analyze multiple aspects of force incidents (legal authority and lawful purpose, de-escalation, Tactics, Use of Force (necessary, objectively reasonable, and proportional), policy and procedure, and training. Supervisors were also trained on community caretaking, correlation of resistance to force options, appropriate use of less-lethal tools, and recognizing Confirmation Bias.

"Taking Care" was the third part of supervisor training. This course established operating standards and procedures for addressing both positive, and potentially problematic, employee work performance. Performance Tools (this course covered the Performance Appraisal System, Early Intervention System, front line investigations, coaching, mentoring, and counseling). The underlying objective of this course was how to identify issues and report them according to policy. The majority of the training revolved around investigating uses of force and how to report any identified issues or misconduct.

OPA Referrals:

The Department spent considerable time and training on how to train supervisors to identify and report potential misconduct and refer it to the Office of Professional Accountability (OPA) rather than passing the responsibility on to FRB. This training included the two mandatory training classes for supervisors and implementation of the Admin Lieutenants to review all use of force cases before sending them to the FRB.

The monitor emphasized "the importance of equipping SPD sergeants with the training and authority necessary to effectively investigate allegations of misconduct." "Taking Care" trained supervisors on how to identify and differentiate between minor misconduct and mandatory OPA referrals. Under new policy, minor misconduct is to be handled through the Frontline Investigation module in Blue Team and forwarded through the chain of command to OPA. OPA referrals are still to be made through Blue Team directly to OPA. New policies that will set forth additional guidance for supervisors as to what issues they can address and what must be referred to OPA will be published shortly. The Frontline Investigations system in Blue Team is currently in place, as well as on-line training.

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11 likes

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88 likes

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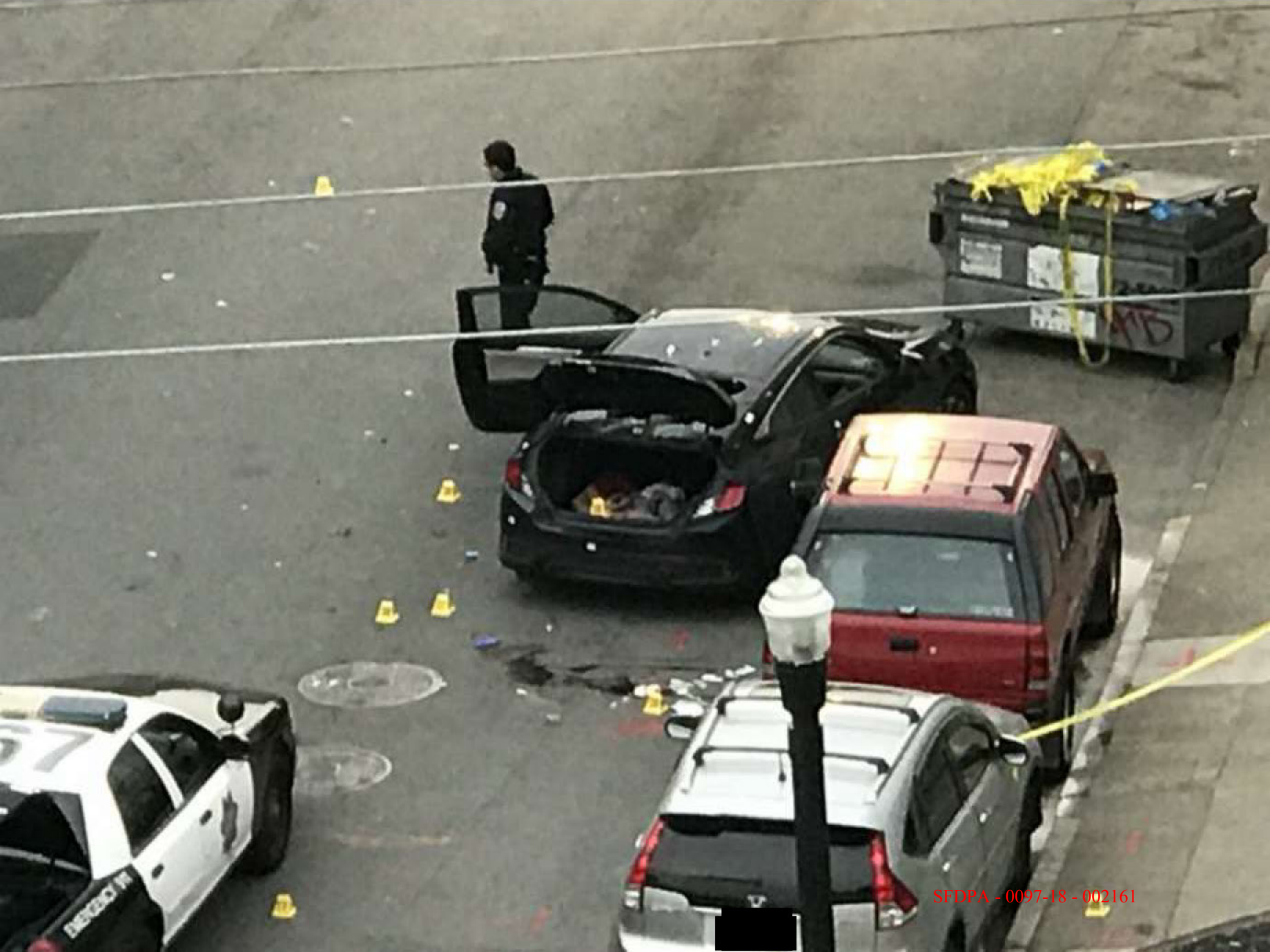

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SERGEANT TORRES: Okay, this interview is regarding OIS case 18-002. This interview is taking place at the Office of the Internal Affairs Division. Today's date is May 24th, 2018, the time is currently 1126 hours. Conducting this interview is Sergeant Pilar Torres, star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is—officer, please state and spell your name with your star number.

OFFICER CARROLL: Officer Carroll, c-a-r-r-o-l-l, star number 987.

SERGEANT TORRES: What's your first name?

OFFICER CARROLL: Corbyn, c-o-r-b-y-n.

SERGEANT TORRES: Okay Officer Carroll you're the named member in this matter. Representing Officer Carroll is?

NOBLES: Don Nobles, POA attorney.

SERGEANT TORRES: Also present from the Internal Affairs Division is?

SERGEANT CRUDO: Sergeant John Crudo, c-r-u-d-o, Star number 1694.

SERGEANT TORRES: No one else is present. I know there was an issue with regards to the

administrative notice. For whatever reason it did not reach you but via your attorney you are here today so thank you for coming, I appreciate that.

Have you read and do you understand Department General Order 2.08, governing POBAR, and Government Code 3303 subsection E?

OFFICER CARROLL: Yes I do.

SERGEANT TORRES: Have you read and do you understand Department General Order 2.01 rule 21 and rule 49?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Because this is a confidential investigation you are ordered not to speak about this interview to anyone outside of your counsel, do you understand?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Do you understand that this interview is being recorded?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Officer Carroll, because there may be criminal culpability on your part I want to be certain you understand the following points. You have the right to remain silent. Anything you say may be used against you in court. You have the right to an attorney before and after

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questioning. Do you understand these rights that I have explained to you?

OFFICER CARROLL: Yes.

SERGEANT TORRES: With these rights in mind would you like to speak to me now?

OFFICER CARROLL: No.

SERGEANT TORRES: While you have the right to remain silent criminally it is a condition of your employment that you answer my questions in this administrative investigation. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you on behalf of the Chief of Police to answer my questions in this administrative investigation. If you refuse to answer my questions your silence can be deemed insubordination and result in administrative discipline including and up to termination of your employment. Any statement you make under the threat of such discipline will be used for administrative purposes only and cannot be used against you criminally unless you choose to testify in such a criminal case. Your statements and any information you provide will be help confidential consistent

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with the California Constitution, Article 1, Section 1, and the San Francisco City Charter and Administrative Code and will not be divulged except as required by law. Do you understand this order?

OFFICER CARROLL: Uh-huh.

SERGEANT TORRES: Officer Carroll, will you answer my questions as ordered at this time?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Officer Carroll as you know I monitored your voluntary interview with Homicide investigators conducted on March 8th. I have provided you with a copy of the transcripts from that interview. Have you had the opportunity to review them?

OFFICER CARROLL: Yes.

SERGEANT TORRES: It is not uncommon after a life threatening encounter as the body works through the natural releases of adrenalin and other physiological reactions that additional things are remembered or memories and perceptions become clear. Having reviewed your interview is there anything that was not covered in that interview that you would like to add to the record at this time or anything that you'd like to clarify?

OFFICER CARROLL: No.

SERGEANT TORRES: Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

OFFICER CARROLL: Just what I said in my initial interview.

NOBLES: Do you remember the events?

OFFICER CARROLL: Yes I do.

NOBLES: That's the question.

SERGEANT TORRES: That's why we provide these Officer Carroll, we're not trying to trick you, so we can reference that. I'm not—that's not what I'm trying to do here. Before we get into the heart of the interview I'd like to briefly affirm some information as I understand it based on your voluntary interview. You name is Officer Corbyn Carroll, star 987?

OFFICER CARROLL: Correct.

SERGEANT TORRES: Date of birth of [redacted]

OFFICER CARROLL: Correct.

SERGEANT TORRES: And you entered the Department approximately [redacted].

OFFICER CARROLL: Correct.

SERGEANT TORRES: At the time of this incident you were working at Mission Station?

OFFICER CARROLL: Correct.

SERGEANT TORRES: For approximately four months.

OFFICER CARROLL: Correct.

SERGEANT TORRES: At the time of the incident you were working swings 16 to 02?

OFFICER CARROLL: Correct.

SERGEANT TORRES: At the time of the incident you were wearing your Class B uniform.

OFFICER CARROLL: Correct.

SERGEANT TORRES: On the night of the incident you were working as 3 David 14 David.

OFFICER CARROLL: Correct.

SERGEANT TORRES: The night of the incident you had your Department issued Sig 226.

OFFICER CARROLL: Correct.

SERGEANT TORRES: Did you deploy any EIRW?

OFFICER CARROLL: No.

SERGEANT TORRES: Did you deploy Department issued rifle?

OFFICER CARROLL: No.

SERGEANT TORRES: The vehicle you were driving was it black and white 157.

OFFICER CARROLL: I believe so.

SERGEANT TORRES: With a cage unit.

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OFFICER CARROLL: Yes.

SERGEANT TORRES: And you were the driver.

OFFICER CARROLL: Correct.

SERGEANT TORRES: And your partner was Officer Smithrusic.

OFFICER CARROLL: Correct.

SERGEANT TORRES: And when the call came out did Smets jump into your car?

OFFICER CARROLL: Yes he did.

SERGEANT TORRES: Okay, prior to that incident, March 6th, 2018, when was the last time you had qualled [sic] with your handgun? What is your month?

OFFICER CARROLL: September would have been the last—September of 2017.

SERGEANT TORRES: Okay. Officer Carroll do you have prior law enforcement experience?

OFFICER CARROLL: No, I do not.

[redacted]

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[redacted]

SERGEANT TORRES: Are you currently under the care of a doctor for any injury or illness?

OFFICER CARROLL: No.

SERGEANT TORRES: Are you currently taking

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any prescribed or over the counter drugs or medicine?

OFFICER CARROLL: No.

SERGEANT TORRES: On the night of the incident—and I know sleep cycles are different for people who work shift work—how many hours of sleep did you get prior to your shift starting on March 6th, 2018?

OFFICER CARROLL: For sure eight.

SERGEANT TORRES: And had you eaten before your shift?

OFFICER CARROLL: Yes.

SERGEANT TORRES: And were you currently having lunch when this call came out?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Had you finished lunch?

OFFICER CARROLL: I was like halfway, almost done.

SERGEANT TORRES: Officer Carroll do you wear corrective lenses?

OFFICER CARROLL: No.

SERGEANT TORRES: The night of or the day of the incident had you taken any medication whether over the counter or prescribed?

OFFICER CARROLL: No.

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SERGEANT TORRES: The day or the night of the incident had you consumed any alcohol or any controlled substances?

OFFICER CARROLL: No.

SERGEANT TORRES: Can you explain to me the equipment you had on you the night of the incident?

OFFICER CARROLL: My Department issued firearm, Sig 226. A Department issued pepper spray. My collapsible baton. Handcuffs, tourniquet but not Department issued. I think that was everything.

SERGEANT TORRES: Did you have your Department issued radio?

OFFICER CARROLL: Yes I did.

SERGEANT TORRES: Did you have the two Department magazines?

OFFICER CARROLL: Yes I did.

SERGEANT TORRES: Spare magazines. Do you carry a hobble?

OFFICER CARROLL: I did not have a hobble on me.

SERGEANT TORRES: Officer Carroll what is your dominant hand?

OFFICER CARROLL: My right hand.

SERGEANT TORRES: So you shoot you handgun

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with your right hand?

OFFICER CARROLL: Yes I do.

SERGEANT TORRES: Are you rifle trained?

OFFICER CARROLL: No I'm not sir.

SERGEANT TORRES: When you deploy the ERIW do you shoot—are your right hand dominant?

OFFICER CARROLL: Correct.

SERGEANT TORRES: The night of the incident was your firearm fully loaded?

OFFICER CARROLL: Yes it was.

SERGEANT TORRES: And how many rounds would that be?

OFFICER CARROLL: One in the chamber, twelve in the magazine so a total of thirteen.

SERGEANT TORRES: And how many spare magazines do you carry?

OFFICER CARROLL: Two.

SERGEANT TORRES: And were they fully loaded?

OFFICER CARROLL: Yes they were.

SERGEANT TORRES: And how many rounds was that?

OFFICER CARROLL: 24.

SERGEANT TORRES: Do you know if your Department issued firearm has any modifications.

OFFICER CARROLL: It shouldn't.

SERGEANT TORRES: That you know of.

OFFICER CARROLL: That I'm aware of.

SERGEANT TORRES: Okay. Do you carry a personal or secondary firearm?

OFFICER CARROLL: No, I do not.

SERGEANT TORRES: Whether on or off duty.

OFFICER CARROLL: No.

SERGEANT TORRES: So in your words Officer Carroll tell m e why we are here today.

OFFICER CARROLL: We're here to conduct an IA interview regarding the OIS from a couple months ago on Capp Street.

SERGEANT TORRES: So from the point of when you responded to this incident can you briefly summarize the incident for me from the point where you put down your food to the end of the incident.

OFFICER CARROLL: Yes. Like I say I put down my food and hearing the call for the code 33 over the radio. Run out to the car, Ari hops in the car. I hear—or Smithrusic, sorry. First name, last name. Smets, I hear him coming. He wants to hop in the car. He hops in the car. Code 3 over to I think 19th and Capp. See two cars go in front of us, make the right turn onto Capp from 19th. Office

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[unintelligible] starts pulling out the felony stop. Smets and I do the arrest team. First guy comes out no problem. The driver being the first guy. Put him in handcuffs, Smets takes him back. I arrive, again do the arrest team because no one else was for the second guy.

Things start acting weird, getting hairy. Commands are given to him. ERIW deployed. Spanish translator just in case. Continues to not follow directions as he was for like I don't know maybe it was like a ten-minute period, five-minute period.

He then comes out, says fuck you, fires one round. I then unload my entire magazine, all thirteen rounds, reload, make sure everybody else is cool that's around me. Hop in line, do the arrest team again. Put him in—or Smets puts him in handcuffs, flips him over, I start doing CPR and Lieutenant Banta comes on the scene and we 904 with him.

SERGEANT TORRES: Okay. So you just stated your responded code 3?

OFFICER CARROLL: Correct.

SERGEANT TORRES: Okay and you were the driver.

OFFICER CARROLL: Correct.

SERGEANT TORRES: Officer Carroll were you trained in the operation of the BWC and what I mean by the BWC it's the body-worn camera.

OFFICER CARROLL: Yes I was.

SERGEANT TORRES: And when was that?

OFFICER CARROLL: When I was on probation, it was like a year and a half ago. It was probably in the middle or beginning of my probationary year when I was at Taraval.

SERGEANT TORRES: And would that have been?

OFFICER CARROLL: So that would be 2016, early 2017.

SERGEANT TORRES: Okay. Do you regularly test your BWC prior to the beginning of your shift?

OFFICER CARROLL: Yeah. I'll turn it on real quick and then turn it back off.

SERGEANT TORRES: Okay. Did you test your BWC prior to the start of your shift on March 6th, 2018?

OFFICER CARROLL: I believe so.

SERGEANT TORRES: Did you notice any issues or irregularities with the camera?

OFFICER CARROLL: No.

SERGEANT TORRES: Can you explain to me

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how you test your BWC?

OFFICER CARROLL: I just click the top turn-on button to the right, let it cycle through. It makes a beeping noise, flashes red and blue, and then it flashes green and then I know its buffering when I shut it back off, then go to lineup.

SERGEANT TORRES: And that's it?

OFFICER CARROLL: Yeah.

SERGEANT TORRES: How do you know that the BWC you grab is assigned to you?

OFFICER CARROLL: I have my name on it.

SERGEANT TORRES: Do you know if there's a way to identify if the BWC you have is assigned to you?

OFFICER CARROLL: Not other than the fact that it was handed to me and I put my name on it immediately.

SERGEANT TORRES: Okay.

OFFICER CARROLL: I'm sure there's like—I mean I can double-check it in the computer when I log on my AXON body and compare the serial numbers. I've never done it but I'm sure there's a way to do that.

SERGEANT TORRES: Okay. The night of the incident did you have your BWC on your person?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Where was your BWC mounted?

OFFICER CARROLL: On my chest.

SERGEANT TORRES: Did you turn on your BWC and if so when?

OFFICER CARROLL: Yes I did and immediately coming on the scene.

SERGEANT TORRES: When did you activate your BWC?

OFFICER CARROLL: Upon arriving on the scene. It was buffering, it was on in the car ride like you see the computer in the car in the beginning of the cycle.

SERGEANT TORRES: Okay, let me back up. When you left the station was your BWC on?

OFFICER CARROLL: Yeah, it was buffering.

SERGEANT TORRES: And then you activated it upon your arrival?

OFFICER CARROLL: Correct.

SERGEANT TORRES: Okay. And how long—do you know how long it buffers for?

OFFICER CARROLL: Thirty seconds.

SERGEANT TORRES: Okay so if it was on when you left the station how long did it take you

to drive from the station to the scene?

OFFICER CARROLL: I couldn't tell you. Fast. I couldn't tell you.

SERGEANT TORRES: Okay, okay. So when did you draw your firearm?

OFFICER CARROLL: I drew my firearm out because I perceived that there was a threat. Apparently we were told that this we were going through that there was a robbery with a gun. At that point I assumed that there is a gun and if someone is not cooperating through our commands that leads me to believe that there is a gun therefore I'll match the threat with an equal or higher level of force.

SERGEANT TORRES: Okay. Where were you positioned at this incident?

OFFICER CARROLL: I was to the left of Officer Casanelli and his patrol vehicle.

SERGEANT TORRES: And Officer Casanelli's vehicle was he the initial unit?

OFFICER CARROLL: Yes, I believe so.

SERGEANT TORRES: And that was the forward-most vehicle?

OFFICER CARROLL: Correct.

SERGEANT TORRES: Okay. Do you think you

were in a position of advantage?

OFFICER CARROLL: Yes I do.

SERGEANT TORRES: Were you behind cover?

OFFICER CARROLL: No, I was not.

SERGEANT TORRES: Were you behind concealment?

OFFICER CARROLL: No, I was not.

SERGEANT TORRES: What training have you received regarding cover and concealment?

OFFICER CARROLL: Through the Academy and at AO, just took my first one a couple months ago and we do the FATs training.

SERGEANT TORRES: Do you know the difference between cover and concealment and if so could you explain?

OFFICER CARROLL: Cover would be a more solid object like a brick wall. Concealment would be something like a large bush where you could hide behind it and not be directly visible but it still doesn't—it's penetrable.

SERGEANT TORRES: And when you received the training at the Academy and at AO did they explain or go over when to use cover and concealment?

OFFICER CARROLL: When available and

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necessary is what I gathered from it.

SERGEANT TORRES: Okay. So can you give me some examples of when it would be necessary to use cover and concealment?

OFFICER CARROLL: If you were getting shot at I would say it would be a good opportunity to use cover. Concealment could be on a—I don't know, if you were doing like a warrant search and you were on the perimeter.

SERGEANT TORRES: This may seem obvious but why would you want to do that?

OFFICER CARROLL: To protect yourself.

SERGEANT TORRES: Okay. Officer Carroll did you fire your weapon?

OFFICER CARROLL: Yes I did.

SERGEANT TORRES: Why did you start firing?

OFFICER CARROLL: Sorry, why?

SERGEANT TORRES: Yes, why did you start firing?

OFFICER CARROLL: Because I saw a muzzle flash and recognized that to be a person shooting at me and it was a direct threat.

SERGEANT TORRES: So what's going through your mind as you saw that muzzle flash?

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OFFICER CARROLL: That I'm getting show at and my fellow officers are getting shot at.

SERGEANT TORRES: How does that make you feel?

OFFICER CARROLL: Nervous.

SERGEANT TORRES: Is that it, just nervous?

OFFICER CARROLL: You know, just trying to end the threat.

SERGEANT TORRES: I know, I realize why you're taking those actions but I asked you how does that make you feel?

OFFICER CARROLL: Just nervous really [unintelligible] all of it.

SERGEANT TORRES: Okay. Did you use your sights to acquire your sight pitch or were you point shooting? If you recall.

OFFICER CARROLL: I can't really recall.

SERGEANT TORRES: Did you use two hands?

OFFICER CARROLL: Yes.

SERGEANT TORRES: What if anything was in your hands when you fired?

OFFICER CARROLL: I hand handcuffs in my left pinky.

SERGEANT TORRES: Have you been trained to

shoot with items in your hands?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Where?

OFFICER CARROLL: In the Academy when we went to the range.

SERGEANT TORRES: Can you explain what you were—

OFFICER CARROLL: It was for flashlights was the specific item we used.

SERGEANT TORRES: Have you practiced shooting with items in your hands?

OFFICER CARROLL: Through the Department after the Academy, no.

SERGEANT TORRES: So it's something that you were taught but you never have qualified using that or never have been asked to do that while qualifying?

OFFICER CARROLL: From my knowledge, correct.

SERGEANT TORRES: I know you were taught to hold the flashlight with the handgun in the Academy and I know you just told me that you haven't practiced it but while in the Academy when you were taught that did you have a practical application in the Academy? Did you actually fire

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the handgun utilizing the flashlight?

OFFICER CARROLL: Yes, we did a night-fire.

SERGEANT TORRES: Have you been trained other than the flashlight to shoot with an item in your hand?

OFFICER CARROLL: I don't recall.

SERGEANT TORRES: Do you know how many rounds you fired?

OFFICER CARROLL: Thirteen.

SERGEANT TORRES: Did you count the rounds or how do you know that?

OFFICER CARROLL: I just know that off of the fact I had twelve in my magazine, one in my chamber and I fired my magazine until empty, went red, and reloaded.

SERGEANT TORRES: So you know that because you had a magazine change.

OFFICER CARROLL: Correct.

SERGEANT TORRES: Why did you stop firing?

OFFICER CARROLL: I perceived the threat as eliminated.

SERGEANT TORRES: And what were you shooting at?

OFFICER CARROLL: The suspect in the trunk

of the vehicle.

SERGEANT TORRES: And why were you shooting at him?

OFFICER CARROLL: Because he was firing at me and my fellow officers.

SERGEANT TORRES: If you recall what was your backdrop?

OFFICER CARROLL: Housing.

SERGEANT TORRES: Housing, meaning?

OFFICER CARROLL: I think it was like the bottom story garages is what I believe it was but a lot of people have dwellings now in their garages in the city.

SERGEANT TORRES: Yeah, obviously you can't look through.

OFFICER CARROLL: But assuming it would be the car straight into a house, presumably the garage.

SERGEANT TORRES: Okay. Did you notify a Supervisor of your discharge and if so when and to whom?

OFFICER CARROLL: Yes I did. Lieutenant Banta and shortly after the—five minutes after the actual shooting I'm guessing. I'm not a hundred percent sure but he arrived on the scene and had us

[unintelligible].

SERGEANT TORRES: Did you recognize the driver of the vehicle?

OFFICER CARROLL: No.

SERGEANT TORRES: How about the person in the trunk?

OFFICER CARROLL: No.

SERGEANT TORRES: How about the passenger?

OFFICER CARROLL: No.

SERGEANT TORRES: Did you try to establish communications with the suspect to build rapport?

OFFICER CARROLL: I did not, no.

SERGEANT TORRES: Why not?

OFFICER CARROLL: There was other people already giving commands and attempting to make rapport and there was multiple people trying to do that so I didn't want to cluster it anymore than it already was.

SERGEANT TORRES: Did you hear the suspect say anything prior to the shooting?

OFFICER CARROLL: No. Oh well right before he shot he said fuck you but as far as like communication between the commands given no, I did not.

SERGEANT TORRES: And you just said that

just prior to the shooting he said fuck you?

OFFICER CARROLL: Correct.

SERGEANT TORRES: Do you think that was directed at you and the officers?

OFFICER CARROLL: Correct. Considered it like a declaration.

SERGEANT TORRES: Okay. Did you see the female in the rear of the vehicle?

OFFICER CARROLL: Yes I did.

SERGEANT TORRES: When did you?

OFFICER CARROLL: Right before we deployed the ERIW or before the ERIW was deployed.

SERGEANT TORRES: Did you notify anyone that there was a female in the back of the car?

OFFICER CARROLL: Yes I did, I notified my partner to confirm whether there was someone in the backseat or not.

SERGEANT TORRES: Did you notify anybody else?

OFFICER CARROLL: After he confirmed it I'm pretty sure I told Casanelli or the main car group that whole area that was over there I started saying like there's an X in the backseat.

SERGEANT TORRES: Do you know if anybody acknowledged your statement?

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OFFICER CARROLL: I think it was acknowledged, I'm not a hundred percent positive though.

SERGEANT TORRES: And who would have that— by whom? Who do you think acknowledged it?

OFFICER CARROLL: I think Casanelli heard me and was like all right and started, you know, seeing. I think he was trying to double-check with what I was saying on his side to see if anybody else noticed.

SERGEANT TORRES: Did you receive directions or instructions from anyone?

OFFICER CARROLL: Not that I'm aware of.

SERGEANT TORRES: Did you discuss a plan of action with anyone?

OFFICER CARROLL: I mean I told my partner to go over to my left and get a good point, like get a good angle on our vehicle or the 1030 vehicle but there was no huddle or anything like that.

SERGEANT TORRES: And outside of you informing the others around you about the passenger was there any other discussions going on?

OFFICER CARROLL: I don't think so.

SERGEANT TORRES: Do you know who was in charge of the incident at that time if anyone?

OFFICER CARROLL: I would say Casanelli was our head guy.

SERGEANT TORRES: Why would you say that?

OFFICER CARROLL: He was first on the scene. It was his find. He on-viewed or just on-viewed I can't really remember if he actually saw the robbery or was immediately there and they pointed and said. So I would say it was his call and he was giving commands at that point. So I would call him in charge.

SERGEANT TORRES: Did you see a Supervisor on scene and if you did do you know when?

OFFICER CARROLL: I don't think Sergeants— Sergeants arrived on scene I don't remember when exactly they arrived on the scene.

SERGEANT TORRES: The first Supervisor on scene do you recall who it was?

OFFICER CARROLL: No, I do not.

SERGEANT TORRES: But you did see a Supervisor on scene?

OFFICER CARROLL: Yeah, absolutely. I mean after the whole shooting went down and after CPR and everything like that when I got there there was a bunch of Sergeant and the Lieutenant was either there or almost there. He was on his way.

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SERGEANT TORRES: Do you recall who the Sergeants were?

SERGEANT TORRES: All the midnight Sergeants. I think Perez was there. I can't remember if [unintelligible] was there or not. I can't remember who the Sergeants that were mostly there because basically as soon as the Lieutenant got there he like gathered us all and was like don't talk to anybody. I don't even want to know what's going on. We basically stayed with him and then went directly to the cars.

SERGEANT TORRES: Okay. What warnings were given if you recall prior to the shooting?

OFFICER CARROLL: We told him if he didn't come out with his hands up he was going to get shot. We dacked him with the ERIW. We gave the warnings in Spanish I believe were the exact same. I don't speak Spanish fluently but I'm assuming that they were all told. And we attempted to get him out of the car for I feel like ten minutes. It may not have been but I felt like it was a rather long time.

SERGEANT TORRES: Do you know who was giving the warnings?

OFFICER CARROLL: Casanelli originally and

then I think Santana also gave some commands and a female FTO. I'm spacing on her name right now but she was also giving commands in Spanish.

SERGEANT TORRES: Okay. Do you think any other forms of force options were available to you?

OFFICER CARROLL: No.

SERGEANT TORRES: Can you explain why and go through our force options list and explain why they weren't either feasible or reasonable.

OFFICER CARROLL: Yeah, sure. So verbal judo obviously was not working. We were trying to do that. Pepper spray was too far away and if I went any closer or someone else went any closer that would be just ridiculous because of the fact that we don't know what the threat is. There is actually no direct area for the spray to hit where it would be feasible on top of that and then you'd be putting yourself blue on blue situation and a direct threat. We used the beanbag gun, that didn't work. Baton you'd have to get too close. Even then, even if you threw it unless you just had impeccable aim you couldn't throw it and hit him to the point where it would do anything and then you'd lose your baton. So at that point—and we don't have Tasers, so.

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SERGEANT TORRES: So how long did the incident last from when you arrived on scene to the shooting occurred if you recall?

OFFICER CARROLL: Ten-ish minutes I would guess. Like I don't a hundred percent recall.

SERGEANT TORRES: And then from the time shots fired until you were directed by a Supervisor to do whatever?

OFFICER CARROLL: To like turn off my body camera or—sorry?

SERGEANT TORRES: From the time the shots rang out to the time someone of a Supervisory position directed you to do something, what was that timeframe?

OFFICER CARROLL: Five minutes I would say.

SERGEANT TORRES: When did you turn off your body-worn camera?

OFFICER CARROLL: When I was back at the station. I think my total body cam footage was like 40 minutes or 45 minutes, so I was at the station hanging out by myself with a Supervisory partner or whatever to make sure that we didn't talk about the incident prior to interviews.

SERGEANT TORRES: Okay. And you kept it on

why?

OFFICER CARROLL: I was told to.

SERGEANT TORRES: By whom?

OFFICER CARROLL: By Lieutenant Banta.

SERGEANT TORRES: To whom did you give a public safety statement?

OFFICER CARROLL: I have no clue actually, I can't even remember.

SERGEANT TORRES: Do you know what a public safety statement is?

OFFICER CARROLL: I believe that's the statement where I arrived on scene, I was involved in a OIS, I fired approximately between this and this many shots and the threat was over.

SERGEANT CRUDO: It's usually a series of questions that are directed to you by a Supervisor under order.

OFFICER CARROLL: I might have been Sergeant Russell, Josie Russell.

SERGEANT CRUDO: Where did that take place?

OFFICER CARROLL: It would have been at the station.

SERGEANT CRUDO: Did you notice, did she use a blue card?

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OFFICER CARROLL: I do not recall.

SERGEANT CRUDO: It was after you left the scene?

OFFICER CARROLL: Correct.

SERGEANT CRUDO: But a series of questions to kind of determine where suspect, threat, evidence at the scene was?

OFFICER CARROLL: Correct.

SERGEANT TORRES: I think you just covered this but I'm going to ask it, you were separated and monitored?

OFFICER CARROLL: Yes.

SERGEANT TORRES: By whom?

OFFICER CARROLL: I cannot remember who was monitoring me. A guy from Northern Station, nice guy.

SERGEANT TORRES: I would assume it was an officer?

OFFICER CARROLL: Correct, yeah.

SERGEANT TORRES: And where did you respond to?

OFFICER CARROLL: When I got to the station, sorry?

SERGEANT TORRES: When you were separated and monitored you responded to Mission Station?

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OFFICER CARROLL: Correct.

SERGEANT TORRES: Okay. Did you discuss the incident with anyone prior to meeting any counsel?

OFFICER CARROLL: No.

[redacted]

SERGEANT TORRES: Officer Carroll during your homicide interview you were asked how you felt when the gun was fired and you stated you were

scared for the people around me. You feared for their safety. Can you explain that?

OFFICER CARROLL: Yeah. I mean I was nervous for the fact that somebody might have gotten shot and would die and that would be horrible or I mean, yeah, if anybody got hit would be a bad situation. It's not what anybody wants to deal with.

SERGEANT TORRES: Okay. And there was a follow-up that Homicide asked you. Were you worried about your own safety and you stated it currently wasn't my job to worry about my own safety at that point. Do you recall saying that?

OFFICER CARROLL: I do.

SERGEANT TORRES: Can you explain that to me.

OFFICER CARROLL: At that point I had—that everybody was being fired upon I had a clear shot and I was more concerned with the fact of ending the threat on their part because of just what I imagined him coming out of the truck I would be in the firing range but I would be less as opposed to the people directly in front. So at that point I figured it was more—the likelihood is they would be ducking for cover and I could be ending the threat

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on that point.

SERGEANT TORRES: Okay. So I just want to make certain—it's on page 25 of the transcript if you want to refer to that.

OFFICER CARROLL: Yeah, go ahead.

SERGEANT TORRES: So this is in reference to a statement that Mr. Nobles made in reference to kind of what you had just said.

OFFICER CARROLL: Okay.

SERGEANT TORRES: Regarding the angle that you were at. And then you basically stated at the bottom of page 24 well, I mean it kind of sounds bad but I was like he can if I walk up over here I'm pretty open right there to begin with but I'm—I have my firearm out. Like I know the risk I'm taking as far as that but Rusic is like junior to me and that's my partner so I especially get him home. So he can hide behind the truck. He can hide behind the engine block at that point.

So the reason why I'm going over this is you weren't trained to stand out there, correct?

OFFICER CARROLL: Correct.

SERGEANT TORRES: Okay. And in doing so you put yourself at risk needlessly.

OFFICER CARROLL: Is that a question?

SERGEANT TORRES: Yeah. Do you—

OFFICER CARROLL: I don't think it was needlessly at risk. I definitely believed that there was a higher risk for my location but I was going to be the arrest team if he was going to come out. If he was going to come out without a gun he was probably going to run so I wanted to be at the easiest access point to get to him whether by firearm or by hands-on. And I think that was the best position to do so. My body cam footage as soon as the firing starts you do see me get up and start to move over so like if the firefight continued I'd be going over to where Rusic is to get more cover. But at that point I think the advantage that I had because that position was more beneficial than it would be hiding behind somewhere else farther away unable to access the suspect in either manner.

SERGEANT TORRES: Okay. Sergeant Crudo.

SERGEANT CRUDO: I'm going to go through kind of in the order that he asked the questions [unintelligible].

OFFICER CARROLL: Yeah, absolutely.

SERGEANT CRUDO: I wish we could be a little more organized and just kind of ask you by subject, but.

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OFFICER CARROLL: It's all good sir.

SERGEANT CRUDO: You talked about training with respect to cover and concealment and you talked about having training in the Academy and AO and you said in AO you mentioned specifically the force options simulator.

OFFICER CARROLL: Correct. Yes, sir.

SERGEANT CRUDO: I know that they provide some simulated cover that you can use and practice with. Do you recall what kind of specific training you would have at the Academy in that regard?

OFFICER CARROLL: I mean we're just told to go to cover or concealment in the Academy. It's not a—I mean the only actual firing training you get is the officer survival week and even then you do like one or two run-throughs and that was your whole [unintelligible] fire training. So as far as actually like being taught in a firefight how to run for cover or whether you should be—feel as though there really wasn't any but as far as being under an [unintelligible] situation I was told to go to go to cover or concealment.

SERGEANT CRUDO: So there was some it sounds like the training that you recall was more theoretical?

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OFFICER CARROLL: In my opinion, yes.

SERGEANT CRUDO: And did you do the force option simulator in the Academy as well?

OFFICER CARROLL: Yes I did.

SERGEANT CRUDO: And was that cover concept reinforced?

OFFICER CARROLL: Yeah, most of the simulations like they either give you so much time to talk them down and you can't like walk over to the fake tree and be sir come talk to me and calm down, you're usually in the middle or the flip the switch on you to see how you'll react and by then you're still in the open and you're firing upon anyways so you're out in the open moving to where you would be getting cover or concealment. So I mean that's my opinion at least.

SERGEANT CRUDO: So in the Academy it would have been mostly theoretical.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Some of the simulator we've kind of talked about a little bit, consistent with like what you had at AO?

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: Anything different?

OFFICER CARROLL: No.

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SERGEANT CRUDO: And then at the end a couple of run-throughs at the officer survival week.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Which is a one-week course, right?

OFFICER CARROLL: Correct and it kind of pushes you a little like boot camp style I guess is what I would characterize it as.

SERGEANT CRUDO: So you kind of covered this, I just want to make sure.

OFFICER CARROLL: Yeah, please.

SERGEANT CRUDO: We're on the same page. So you fired thirteen rounds.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: You know it was thirteen rounds.

OFFICER CARROLL: Positive.

SERGEANT CRUDO: And you said because you did a magazine change.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: It wasn't a tactical change, you had your slide lock back?

OFFICER CARROLL: My slide did lock back.

SERGEANT CRUDO: So you knew that you had

run empty, reloaded and then reassessed?

OFFICER CARROLL: Yes.

SERGEANT CRUDO: Okay. Getting to the piece of the sight picture.

OFFICER CARROLL: Yes.

SERGEANT CRUDO: You said you can't recall whether you acquired a sight picture or you were point shooting. Just to kind of delve in that a little bit, that pretty well could be the case, I'm just making sure that do you recall like whether you kind of punched out? Do you recall kind of—so you have no recollection of like taking the time to sight it up and find the front post?

OFFICER CARROLL: So prior—so there was a couple times like I don't know if you guys saw the body cam footage or not but you hear everybody like whoa, whoa, whoa because we thought he was going to jump up and at that point like yes we did raise up and like I kind of got locked in so I knew where I was—need to be going to but at the time I actually fired I don't recall like coming up, getting my front sight and then firing. I just remember coming up to the position I was similar with.

SERGEANT CRUDO: So I just want to make sure. So it's not a function of or is it a function

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that you don't remember whether or not or is it a function that you don't recall getting your front sights, that you were point shooting.

OFFICER CARROLL: I would have been at that time point shooting because I didn't get my sight prior to firing on that.

SERGEANT CRUDO: So that's point shooting, okay. And I want to get back to, you know, you said you're going through your mind you said nervous kind of like as that [unintelligible]. And Sergeant Torres talked about your interview with Homicide. What you described as your factors for nervousness you kept putting in third parties. Were you at all fearful for yourself?

OFFICER CARROLL: On the back-end yeah it was a scary position to be in but I personally believe with this job that you kind of already lock in the fact that this may happen and in those situations you can't really be afraid. Like looking back at it you're allowed to look at everybody and kind of have the oh shit phase because obviously you're going to have that, but.

SERGEANT CRUDO: Is it okay to take steps to minimize the threat to yourself?

OFFICER CARROLL: Yeah you can if it's

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opportune. Like if there's an opportunity to do that then I would say yes but it kind of depends on the situation and your comfortability [sic] and where you're at.

SERGEANT CRUDO: Okay. Then you said you stopped firing when you perceived the threat was eliminated and to me I'm curious so I need more specificity. What did you observe that told you the threat was over?

OFFICER CARROLL: His arm fully dropped. His arm just dropped right out of the car. It was—there was nothing there, it was limp and I was pretty sure my shots hit and I'm—simple numbers, I know there's at least five other guys, I'm pretty sure everybody else dumped their magazines too. We're got two ARs pointed out. I mean that's going to be a lot of rounds so if everybody hit two times and we missed the other eleven that's still enough shots to have somebody be bleeding out.

SERGEANT CRUDO: So was it your intent to kill him?

OFFICER CARROLL: No, it was to end the threat.

SERGEANT CRUDO: This is kind of self-evident but I'm going to ask it.

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OFFICER CARROLL: No worries.

SERGEANT CRUDO: You said prior to him— just before her was shooting you hear fuck you.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: And it came from him?

OFFICER CARROLL: Yes.

SERGEANT CRUDO: And you don't speak Spanish or you alluded to you know a little bit of Spanish I think you said functional Spanish or something.

OFFICER CARROLL: I can b.s. my way through it but I would not qualify myself at all.

SERGEANT CRUDO: So was fuck you in English or Spanish?

OFFICER CARROLL: English. He for sure spoke English.

SERGEANT CRUDO: And then I want to kind of get to where prior to shooting you see the female in the vehicle.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Where did you see her?

OFFICER CARROLL: In the backseat.

SERGEANT CRUDO: In the backseat?

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Do you know what side of

the car?

OFFICER CARROLL: I think it was more right. I think she was kind of in the middle but it was more right than left.

SERGEANT CRUDO: And if you're not sure, you're not sure. Because you're kind of at an oblique angle.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: So—but in the backseat.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: And then you asked your partner Smithrusic to confirm what you thought you saw?

OFFICER CARROLL: Correct.

SERGEANT CRUDO: And then you pass that along to Casanelli?

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Did you hear Casanelli say anything?

OFFICER CARROLL: I think he was—I think he made sure [unintelligible] said that he was hearing right, that there was someone else in the backseat because I don't think he saw the person in the backseat and then I think he was trying to confirm with someone else that—you know, because

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obviously he probably didn't hear me confirm with Rusic so he wants to double-check my work.

SERGEANT CRUDO: Was he giving orders at the time or was—because I think at another point you say—

OFFICER CARROLL: I think he gave up orders to the female officer, the FTO. Benagas, that was her name. Officer Benagas I think at that point was giving orders over the PA.

SERGEANT CRUDO: I want to kind of touch on more of the issues that Sergeant Torres touched on a little bit. He asked you if you received directions or instructions from anyone [unintelligible] about a plan of action and you said that you had taken a position based on being part of an arrest team.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: That you had been involved in the arrest team of the driver and were expecting to arrest you said the other guy which you've identified two people in the vehicle, so.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Who were you—

SERGEANT TORRES: First of all, as far as the arrest team at that point?

OFFICER CARROLL: For the person in the truck, it was for the second arrest.

SERGEANT CRUDO: So there was no communication amongst the officers on scene about kind of the process of that?

OFFICER CARROLL: I mean we kind of just—I don't know, Mission Station has like a good vibe and we all kind of for some reason can just do stuff without a whole lot of communication I guess. I wasn't first on scene, there's already guns out at that point why do I need to have my gun out, they're ordering somebody else so of course I'm going to be the arrest team. It just kind of makes sense. For me at least at that time I feel like it was everybody knew what was going on.

SERGEANT CRUDO: So there was no [unintelligible] is that something that your watch or you at the station have practiced?

OFFICER CARROLL: No.

SERGEANT CRUDO: Any training in that regard?

OFFICER CARROLL: No, I don't even think this Department really gives us training on that stuff especially, sorry.

SERGEANT CRUDO: And so no articulated

plan of action but there was kind of a sense, an understanding of what different people were doing?

OFFICER CARROLL: Yeah I mean like if it helps explain it I mean we do 1030 vehicle stops all the time, right, so it's kind of usually it's the first couple—especially if there's multiple people in the car—it's the first couple people that are out, guns out pointed, giving directions, and then everybody else that comes on the scene after it's like the arrest team or like frees the car or do whatever they need after the subjects are out of the vehicle.

SERGEANT CRUDO: So some of this interaction comes—

OFFICER CARROLL: From the past.

SERGEANT CRUDO: From experience?

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: And you've been at Mission Station at the time how many months?

OFFICER CARROLL: Like four months.

SERGEANT CRUDO: And who is—do you know how senior the senior person was at the scene?

OFFICER CARROLL: Benagas would be the most senior when she got on scene but prior to that I mean four years maybe. It's a super—swings is a

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super junior watch. Casanelli was my classmate. Most of us are either probationers, so at the time pretty young.

SERGEANT CRUDO: You touch on this a little bit, I want to get to the warnings. You articulated it, there's a difference between a warning and a command and you were talking about kind of some warnings and you said specifically that the suspect in the trunk was told if he didn't come out he would be shot.

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: You said you heard Casanelli give a warning. You said Santana. Did he also give that kind of warning?

OFFICER CARROLL: I think so. I wasn't next to Santana but I know he was giving—I heard him giving commands in Spanish before Benagas was.

SERGEANT CRUDO: And you touched on that, that you kind of assumed because you don't speak it fluently you assumed that—

OFFICER CARROLL: Yeah, I mean, they're pretty squared away.

SERGEANT CRUDO: So you believed that commands were being given.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Warnings or commands were being given in Spanish?

OFFICER CARROLL: Both I would imagine.

SERGEANT CRUDO: because you heard them in English?

OFFICER CARROLL: Because I heard them in English and just because of how many times they were repeated I can assumed like I mean all the cops are super 10-8 and squared away, right, so I imagine that they would start with a warning and not a command especially—which we did presume—that he didn't speak English so obviously we needed to like start over.

SERGEANT CRUDO: And do you recall for yourself did you give a warning?

OFFICER CARROLL: No, I don't think so. I think I probably said like you know show us your hands or like don't, you know, like I don't know. But I didn't give like a formal command or warning that he would have probably perceived as one.

SERGEANT CRUDO: But you heard them before you fired?

OFFICER CARROLL: I'm sorry?

SERGEANT CRUDO: You heard warnings before you—

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OFFICER CARROLL: Yeah, absolutely.

SERGEANT CRUDO: And then do you know Officer Smithrusic's what was his position relative to yours when shots were fired?

OFFICER CARROLL: He was to the left of me, maybe a little more forward. He was behind the red.

SERGEANT CRUDO: To your left?

OFFICER CARROLL: To my left.

SERGEANT CRUDO: And a little more forward?

OFFICER CARROLL: Yeah, like.

SERGEANT CRUDO: So he was ahead of you?

OFFICER CARROLL: He was ahead of me, yeah.

SERGEANT CRUDO: Ahead of you and to your left?

OFFICER CARROLL: Ahead of me and to my left. He was behind a Ford, I don't know, little pickup truck.

SERGEANT CRUDO: Okay. Were you aware of anybody else covering that vicinity?

OFFICER CARROLL: He was the farthest left. I think Chiu and Juan were to my right behind me to my right.

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SERGEANT CRUDO: Do you have an idea where relative to you? Behind you to your right so I mean you said that.

OFFICER CARROLL: I don't know the diagonal, five feet from my right leg.

SERGEANT CRUDO: More like if you were to make your nose at 12:00 o'clock on a clock, right, and your butt's 6:00 o'clock where would?

OFFICER CARROLL: 4:00.

SERGEANT CRUDO: 4:00-ish?

OFFICER CARROLL: 4:00 or 5:00.

SERGEANT CRUDO: And a few feet away?

OFFICER CARROLL: Yeah, I mean not very far. I mean I could hear [unintelligible].

SERGEANT CRUDO: And the same area?

OFFICER CARROLL: Yeah, kind of. I mean like I knew for sure where they were, I mean they fired for sure.

SERGEANT CRUDO: Did you look around and see them?

OFFICER CARROLL: After the—

SERGEANT CRUDO: Before.

OFFICER CARROLL: No, I just knew they were there because I took Castillo's cuffs because I used my cuffs for the first guy.

SERGEANT CRUDO: You put them on the driver, correct?

OFFICER CARROLL: Yeah, so I took Castillo's, I think Castillo's, it might have been Chiu's but they were together and I took their cuffs to go for the second guy.

SERGEANT TORRES: You said Juan. Are you talking about—

OFFICER CARROLL: Juan Castillo.

SERGEANT TORRES: Juan Castillo?

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: And I just kind of want to talk about some of the stuff that you talk about with respect to your positioning as you were kind of setting up to be the arrest team on the second person.

OFFICER CARROLL: Uh-huh.

SERGEANT CRUDO: So was that the same position you had basically—

OFFICER CARROLL: For the first one, yeah.

SERGEANT CRUDO: For the first one, okay. So that position had worked out. And when the driver was called back did you call back to your position?

OFFICER CARROLL: He was called back, no

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because we—I mean—

SERGEANT CRUDO: Did you approach him or did you call him back to you?

OFFICER CARROLL: We approached, fifty-fifty, because he started getting squirrely and we thought he was going to run so it's easier just to run up on him and dump him, right, and then we just cuffed him I don't know, like five, ten feet in front of the car, the first patrol vehicle, and then we just towed him back.

SERGEANT CRUDO: Okay and you brought him to the car and it was not Casanelli's car, correct?

OFFICER CARROLL: No. I don't even know who's car it was.

SERGEANT CRUDO: Do you know where that car—where was that car located as you recall?

OFFICER CARROLL: A couple hundred feet behind the first car.

SERGEANT CRUDO: So kind of directly behind.

OFFICER CARROLL: There was no threat to that car behind hit at all.

SERGEANT CRUDO: Okay. So he's in that second vehicle, then you go back and reestablish as an arrest team waiting for the second guy.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Is you expectation it's going to kind of go the same way?

OFFICER CARROLL: Hundred percent.

SERGEANT CRUDO: How long were you in that position where you were there waiting for this guy to cooperate with commands?

OFFICER CARROLL: Couldn't tell you. I don't know, probably a while.

SERGEANT CRUDO: And again I like just putting this on a record. I mean we're sitting here breaking something down that happened in seconds, minutes, when we get down to the core of it very quickly, very rapidly. We get the luxury of sitting here breaking it down, you know. This interview has already taken a lot more time than the incident itself took so I get that and when we talk about time we're talking more about your perception of it, not what actually is. But in your perception you get back and you're back in position, arrest team, and in that role you're—let me ask you this, how are you expecting this to go? Are you expecting it to kind of go the way the first guy went?

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: You're expecting him to

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cooperate, mostly cooperate?

OFFICER CARROLL: Worst case scenario he was going to run.

SERGEANT CRUDO: And as it prolongs you're there, you say like you said this thing from start—the whole incident your perception you said earlier was about ten minutes.

OFFICER CARROLL: Uh-huh.

SERGEANT CRUDO: Okay so it sounds like it's nearly as your recall it or experienced it the driver is removed pretty quickly?

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: So you're back on point, arrest team, until the time shots are fired how many minutes do you think that was?

OFFICER CARROLL: I don't know, a couple. I mean the only—I mean I think I get what you're like trying to get at and the only time where I thought it was going to go south and where I would have needed to be probably not where I was, was after the ERIW was deployed and from what my memory recalls from the time the ERIW was deployed to the time we shot was very quick. So prior to that point I didn't expect anything of it, especially even when he got hit I thought he was going to give up

right then and there.

SERGEANT CRUDO: With the ERIW?

OFFICER CARROLL: Yeah, with the ERIW. I thought he was going to get dacked and that was like he was going to officially decide that he wasn't as big of a gangster as he thought he was and he was going to get out of the car because that would be enough for me. But—

SERGEANT CRUDO: But you had also described sort of like an ebb and flow that a few times he moved and you guys thought he was going to pop out of the trunk.

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: What was the expectation as he was going to pop out of the trunk, what did you think was going to happen?

OFFICER CARROLL: I don't know. I couldn't tell you because he could have popped out with his hands up and he could have just scared us and we all could have just [unintelligible] shot him. So I don't know.

SERGEANT CRUDO: Okay, so that's one possibility, right?

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: Any other possibilities?

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OFFICER CARROLL: A possibility he could have rolled out real quick and we all would have waited until something happened like we did in the other case and we would have saw his left hand and there wouldn't have been a gun and then we all would just have holstered up and bum-rushed him, tackled him and handcuffed him.

SERGEANT CRUDO: So [unintelligible] going through this thing.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Now were there—from where you were relative to where you were, were there other people that were closer to him?

OFFICER CARROLL: No.

SERGEANT CRUDO: Was Casanelli closer to him?

OFFICER CARROLL: I mean technically yeah he might have been because he was a straight line and I was more of an angle.

SERGEANT CRUDO: Was Benagas closer to him?

OFFICER CARROLL: With a straight line she could have been.

SERGEANT CRUDO: Were there people on the other sidewalk that—so there's a full—

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OFFICER CARROLL: Like a semi-circle.

SERGEANT CRUDO: Range around kind of encircling him, right?

OFFICER CARROLL: Uh-huh.

SERGEANT CRUDO: Given the time, this [unintelligible], this isn't going the way that the first one went did you have opportunity to seek cover?

OFFICER CARROLL: I did but I didn't think I needed to get it at that point.

SERGEANT CRUDO: Okay. I think that's what I got.

SERGEANT TORRES: Mr. Nobles do you mind if we take a break?

NOBLES: No, not at all.

SERGEANT TORRES: I'll just stop this until we come back.

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SERGEANT TORRES: Okay, we're back on the record and prior to stopping the recording I didn't indicated what time it was but now that we're starting back up I want to indicate that the time is 1241 hours. John, you said you had some?

SERGEANT CRUDO: Just a couple things that I had missed, meant to ask. With regards to the sleep, hours of sleep the night before you said for sure eight.

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: Do you specifically recall that or is that just based on kind of your normal pattern and practice?

OFFICER CARROLL: My normal routine I mean—my only gauge of it is I bought a house after it and I've been waking up to go work on my house every time at about 10:00, 10:30, and before buying the house I would sleep in until like noon. So—and I get home at 2:00. So I mean I was for sure getting like eight hours. I don't have any trouble falling asleep.

SERGEANT CRUDO: Lucky. And then the—so just you talked about, you explained it and I understand what you're saying, we were talking about the backdrop.

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OFFICER CARROLL: Yeah.

SERGEANT CRUDO: And you were talking about the housing and you said that you know you saw the backdrop of the bottom stories of the house and you were saying in San Francisco a lot of those places are converted to residences but they were you said bottom stories or garages. So were they like the garage level, is that what we're talking about?

OFFICER CARROLL: I'm assuming that's what they were. I mean I think they were—

SERGEANT CRUDO: Garage doors, did you see garage doors?

OFFICER CARROLL: I couldn't tell you. I wouldn't bet money on it but I don't know.

SERGEANT CRUDO: So buildings, property lines.

OFFICER CARROLL: Yeah, it was first story of building, yeah.

SERGEANT CRUDO: And it could have been a garage level.

OFFICER CARROLL: Correct.

SERGEANT CRUDO: Some structure, hard structure.

OFFICER CARROLL: Yeah.

SERGEANT CRUDO: And in context to that we talked about the female that you became aware of in the car.

OFFICER CARROLL: Yes.

SERGEANT CRUDO: And you could see her.

OFFICER CARROLL: Yes.

SERGEANT CRUDO: Your focus particularly when you came up firing and we talked about point shooting but you came up and fired at the suspect in the trunk.

OFFICER CARROLL: Uh-huh.

SERGEANT CRUDO: Where is the female relative to your line of sight?

OFFICER CARROLL: I mean she kept ducking down and moving so the at the time I fired I couldn't tell you.

SERGEANT CRUDO: Okay. Where had you last seen her?

OFFICER CARROLL: The right-er side of the middle of the backseat.

SERGEANT CRUDO: So drawing a line from where you are to where the suspect is and continuing to that backdrop is she on that line?

OFFICER CARROLL: Not that I'm aware of.

SERGEANT CRUDO: And that's fair, that's

fair. So let me ask you basically the last time you saw her had she been on that line?

OFFICER CARROLL: I don't believe so.

SERGEANT CRUDO: Okay, so she would not to the best of your knowledge have been in your path of fire?

OFFICER CARROLL: Yeah, I don't think so.

SERGEANT CRUDO: Okay.

NOBLES: I just want to help just for the sake of the break, it was 1236.

SERGEANT TORRES: Thank you, thank you, that is helpful. I have a couple more questions Officer Carroll. One of the questions was you facilitated the custody of the driver?

OFFICER CARROLL: Yes.

SERGEANT TORRES: So when you took custody of him and you brought him back to the car or at any point did he say anything to you?

OFFICER CARROLL: I mean typical, you know, I don't know what's going on and then followed by like fuck the police or something like that but I only took him part way and then I asked if Smets was good because like we're big guys, we can handle our own and we were like almost to the car and he was just going to throw him in there. So

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then he took him the rest of the way, like [unintelligible] actually put him in the car and I went back.

SERGEANT TORRES: Did the drive happen to mention or talk of the female passenger?

OFFICER CARROLL: No.

SERGEANT TORRES: No, okay. I have another question. I'm sorry, just give me a minute.

OFFICER CARROLL: No worries.

SERGEANT TORRES: I just thought of it on the fly while Sergeant Crudo was talking and I should have wrote something down. You talked about an angle that you were at relative to Casanelli and Tupper. In your opinion were you exposed to his left hand, the potential?

OFFICER CARROLL: Exposed to the first shot or the continuing? So a natural body movement would be if you're rolling onto your right with your left hand up is that you're going to curve. So the first shot that I saw all I saw was the muzzle shot and I later found out where it hit. So on the hindsight I was not in direct threat of the first shot. The continuing shots if they went—going on his natural body movement I would have perceived that I would be then the one directly getting shot

at but from what I know the first shot at least that was fired that was not specifically at my position.

SERGEANT TORRES: Okay. But that's not something you perceived or even thought about or was it?

OFFICER CARROLL: How he was going to get out of the car?

SERGEANT TORRES: Just the position you were in and how—

OFFICER CARROLL: I figured my position was a very good tactical placement as far as if I was going to get in a shootout the best shot that I had with the—I was taking advantage more of the fact of how open my shot was versus how much cover or concealment I had but I also knew that I had cover and concealment to the left and to the right of me.

SERGEANT CRUDO: Behind you? Or directly to your left and right?

OFFICER CARROLL: Behind me to the left, equal to the right I would say.

SERGEANT CRUDO: What do you mean equal?

OFFICER CARROLL: Like if I jumped over to the right I would have been able to hide behind the

cop car I'm pretty sure.

SERGEANT CRUDO: When you were in the Academy or any point after AO do they ever talk, was there any instruction about action and reaction?

OFFICER CARROLL: I'm not following.

SERGEANT CRUDO: So you don't recall any training, tactical training upon action versus reaction?

OFFICER CARROLL: There could have been but I don't know.

SERGEANT CRUDO: Do you have any training or experience regarding action and reaction? In other words does action beat reaction or who has the advantage when somebody is acting and driving and somebody is reacting to?

OFFICER CARROLL: I would say the suspect always has the advantage if that's like me versus this person I'm taking on in any situation will always have the advantage.

SERGEANT CRUDO: Sorry, when you said that I'm—

OFFICER CARROLL: Like the suspect anytime I'm taking someone on as far as like especially a gun call they will always have the advantage over a

cop in any situation because they either know they don't have the gun and I'm going to be all jacked up and they're going to be cool and calm and then I overacted and it's going to look bad as far as like how I'm communicating or I'm trying to figure out if they have a gun or not and not trying to overreact which would be more like this situation and they know they have the gun and they're trying to figure out what they want to do which is what I believe he was trying to do. I think he was trying to jack himself up looking back at it and we don't know—he could have just been a squirrely guy, he could have had—could have been on like the spectrum or whatever and we were freaking him out and that's why he wouldn't get out of the car. But you really can't—I mean like we're not going to shoot somebody just because they're staying in the car. I mean that's like the threat and the command but like even then like per our policies we would have just called tac and waited it out. It could have been a ten-hour event, you know.

SERGEANT CRUDO: But you drew your weapon because you said the nature of the call?

OFFICER CARROLL: Because the call was for a gun. So I perceived that there was a gun.

SERGEANT CRUDO: Sufficiently based on the totality.

OFFICER CARROLL: There was reason to believe and reason for me to have my firearm out.

SERGEANT CRUDO: Okay.

SERGEANT TORRES: Officer Carroll has this incident impacted you in other ways such as loss of sleep, appetite?

OFFICER CARROLL: No.

SERGEANT TORRES: No, okay. And you aware of the Department resources regarding BSU, employee assistance program?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Okay, all right. Mr. Noble do you have any?

NOBLES: No.

SERGEANT TORRES: Officer Carroll is there any other relevant information or I should say information relevant to this incident?

OFFICER CARROLL: No.

SERGEANT TORRES: That I haven't asked you that you believe I should know that may aid me in my investigation?

OFFICER CARROLL: No.

SERGEANT TORRES: Okay. All right, because

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this is a confident investigation you are ordered not to speak about this interview to anyone else other than your representative. Do you understand?

OFFICER CARROLL: Yes.

SERGEANT TORRES: Okay. That concludes this interview. The time is currently 1252.

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SERGEANT TORRES: Okay. Now we're good. Okay. This interview regarding IAD Case OIS[redacted] this interview is taking place at the Office of Internal Affairs. Today's date is May 9th, 2018, and the time is approximately 1558. Conducting this interview is Sergeant Pilar Torres, Star 597. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed is, please state your name.

SERGEANT BARCENA: Oscar Barcena, B-a-r-c-e-n-a, Star number 1715.

SERGEANT TORRES: Representing Sergeant Barcena is…

ATTORNEY BRASS: Tony Brass of 3223 Webster Street, San Francisco, 94123.

SERGEANT TORRES: Also present from the Internal Affairs Division is Sergeant…

SERGEANT CRUDO: Sergeant John Crudo, Star number 1694.

SERGEANT TORRES: Okay. Presently, no one else is present. Sergeant Barcena, have you read the complaint regarding the allegation of misconduct? The Summary Report from my office?

SERGEANT BARCENA: I have.

SERGEANT TORRES: Okay. Have you read and do you understand Department General Order 2.08 and Government Code 3303?

SERGEANT BARCENA: I do.

SERGEANT TORRES: Okay. I have a copy here if there's any question about it.

SERGEANT BARCENA: Yes.

SERGEANT TORRES: Have you read and do you understand General Order 2.01, Rule 21 and Rule 49?

SERGEANT BARCENA: I'm sorry, I don't.

SERGEANT TORRES: Okay. We have a copy right here, so just to refresh your recollection, and Rule 49? 21 is cooperation with investigations and 49 is confidential investigations.

SERGEANT BARCENA: Yes, I am familiar with both of them, yes.

SERGEANT TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone. Do you understand?

SERGEANT BARCENA: I do.

SERGEANT TORRES: Okay. Do you understand this interview is being recorded?

SERGEANT BARCENA: I do.

SERGEANT TORRES: Okay. All right. Sergeant Barcena, are you currently taking and prescribed or over-the-counter medications?

SERGEANT BARCENA: I am no.

SERGEANT TORRES: All right. How long have you been with the San Francisco Police Department?

SERGEANT BARCENA: For approximately 16-and-a-half years.

SERGEANT TORRES: Okay. And how long have you held your current rank?

SERGEANT BARCENA: Approximately two-and-a-half, two.

SERGEANT TORRES: Okay. And what is your current assignment?

SERGEANT BARCENA: I'm a patrol sergeant at Mission Station, graveyards, 2100 to 0700 watch.

[redacted]

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SERGEANT BARCENA: Yes.

[redacted]

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SERGEANT TORRES: Okay. What was your call sign that night?

SERGEANT BARCENA: 3 David 106.

SERGEANT TORRES: And that's a patrol assignment?

SERGEANT BARCENA: It is.

SERGEANT TORRES: And were you in a radio car?

SERGEANT BARCENA: Yes.

SERGEANT TORRES: Okay. Did you happen to test your body worn camera that night? Do you know if it was functioning properly?

SERGEANT BARCENA: To the best of my knowledge it was.

SERGEANT TORRES: Okay. All right. Did you happen to respond to the 600 block of Capp Street?

SERGEANT BARCENA: I did.

SERGEANT TORRES: Okay. Why did you respond to the 600 block of Capp Street?

SERGEANT BARCENA: There was a call of a 406, meaning an officer needs emergency help, and shots fired. And it was like a developing call throughout the whole moments, minutes prior to that that required a sergeant's response.

SERGEANT TORRES: Okay. So, you responded.

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While on the 600 block of Capp Street, what did you do, if anything?

SERGEANT BARCENA: I arrived on-scene, assessed, and realized the actual crime scene was being handled. So, I immediately started focusing…just a little background. I spent four years at Crime Scene Investigations working with video surveillance.

SERGEANT TORRES: Uh-huh.

SERGEANT BARCENA: So, I immediately started looking for third-party video surveillance systems throughout the area that may have captured this incident.

SERGEANT TORRES: Right.

SERGEANT BARCENA: That's what I focused my attention on.

[redacted]

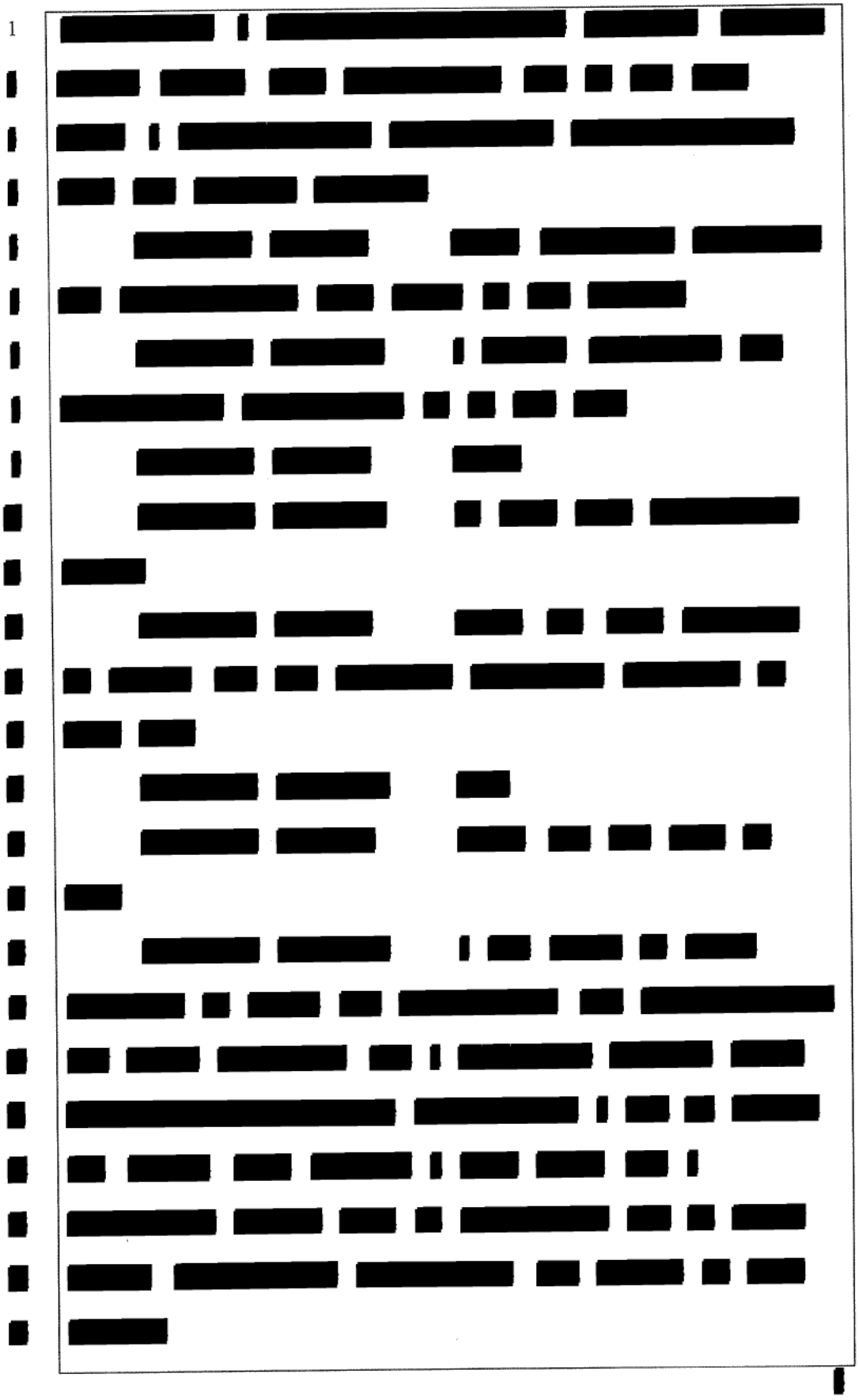
[redacted]

SERGEANT TORRES: Okay. But I just want to clarify. You weren't actively involved in the incident. Right?

SERGEANT BARCENA: No.

[redacted]

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SERGEANT TORRES: Okay. All right. Did you happen to locate a surveillance camera at 601 Capp Street?

SERGEANT BARCENA: Yes.

SERGEANT TORRES: Okay. Did you make contact with the responsible party for the surveillance camera at 601 Capp Street?

SERGEANT BARCENA: Yes.

SERGEANT TORRES: Okay. And why did you make contact with them?

SERGEANT BARCENA: They had a camera that was trained right to where the crime scene happened.

SERGEANT TORRES: Okay.

SERGEANT BARCENA: Or it was filming right where…that would have captured some relevant information.

SERGEANT TORRES: Okay. So, was something discovered through that contact?

SERGEANT BARCENA: Yes. It was very good video evidence.

[redacted]

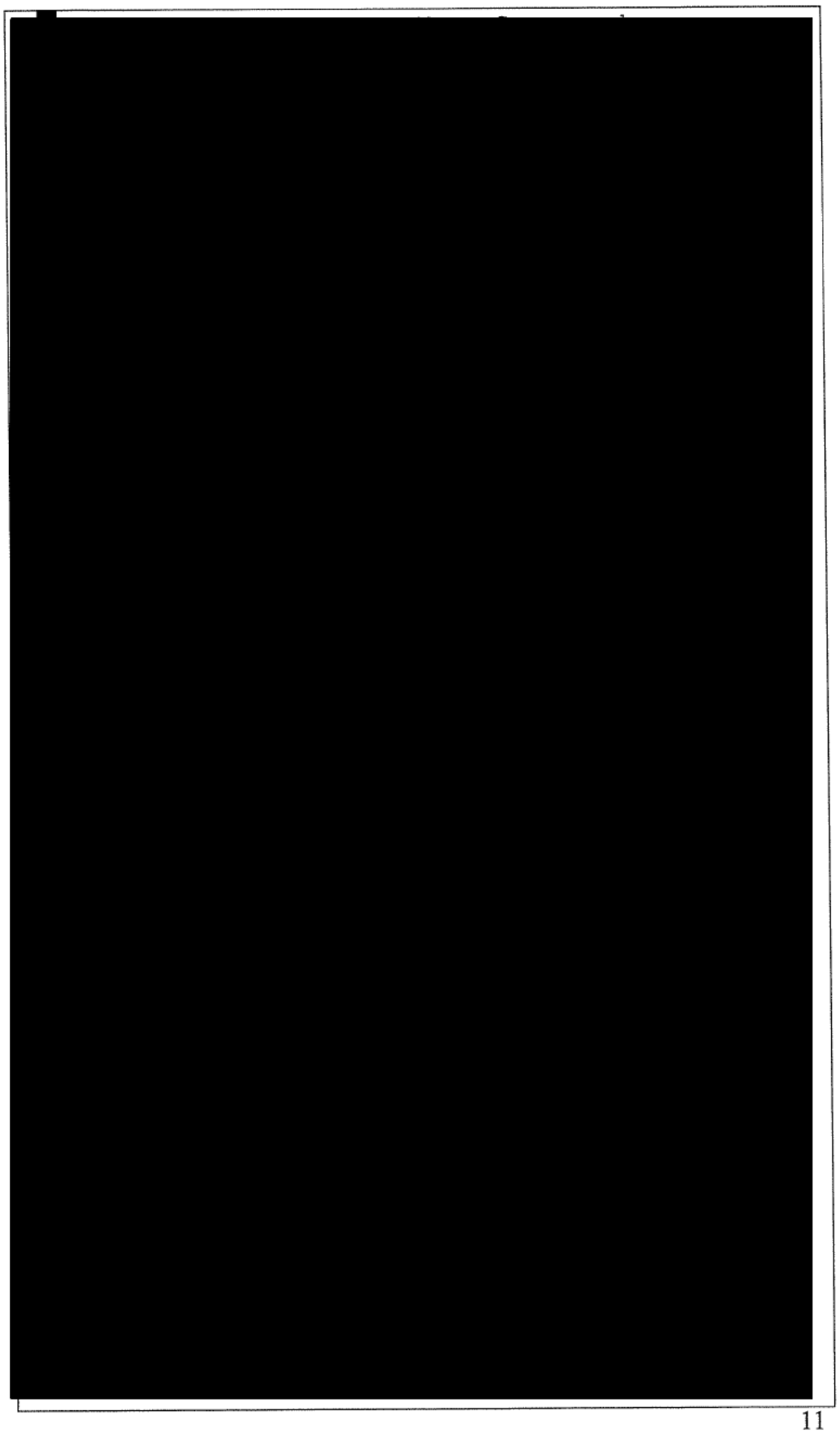
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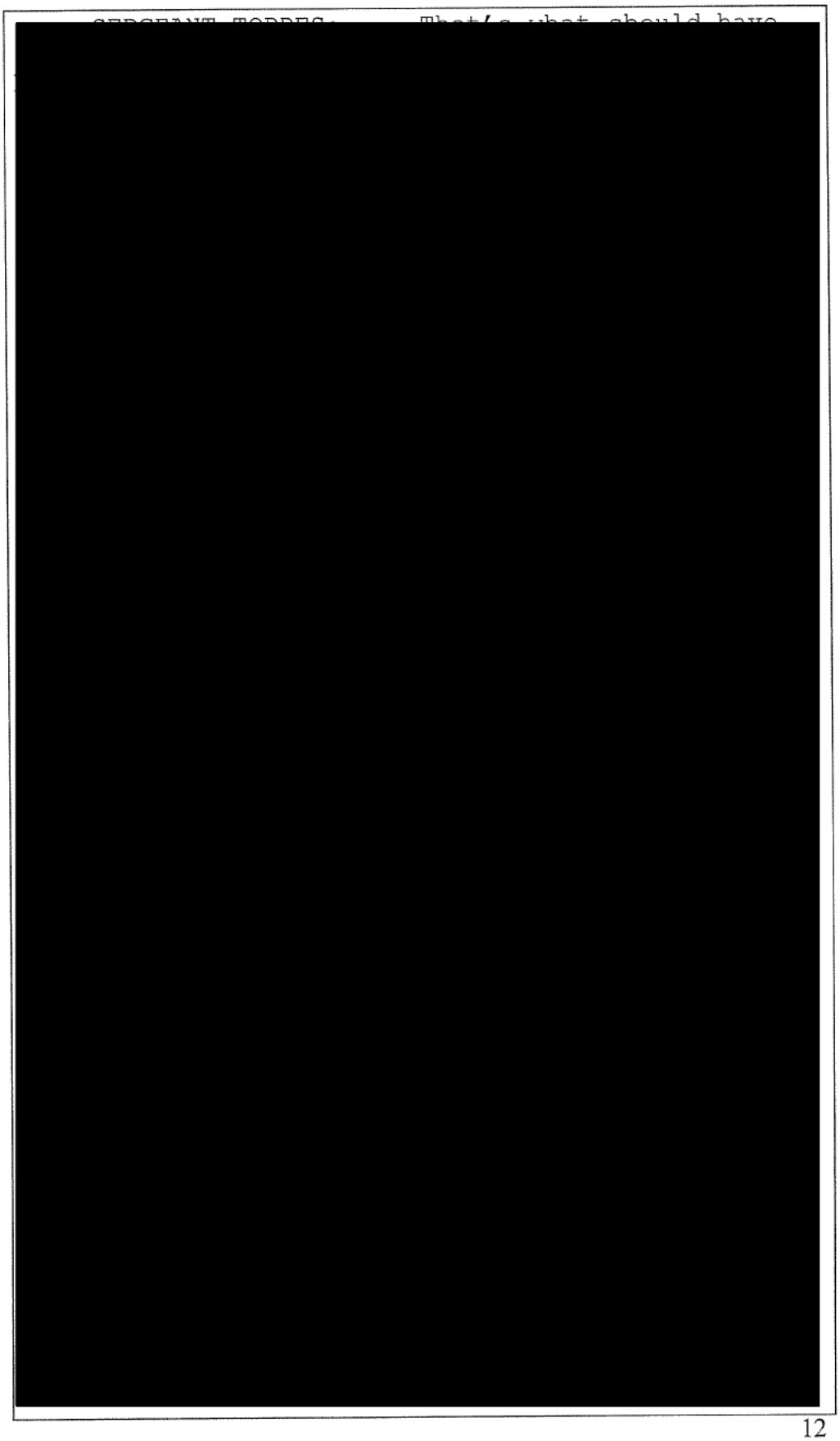
SERGEANT TORRES: All right. Okay. So, is there any other information relevant to this incident that you wish your employer to consider before deciding to impose discipline, and what form of discipline, if any?

[redacted]

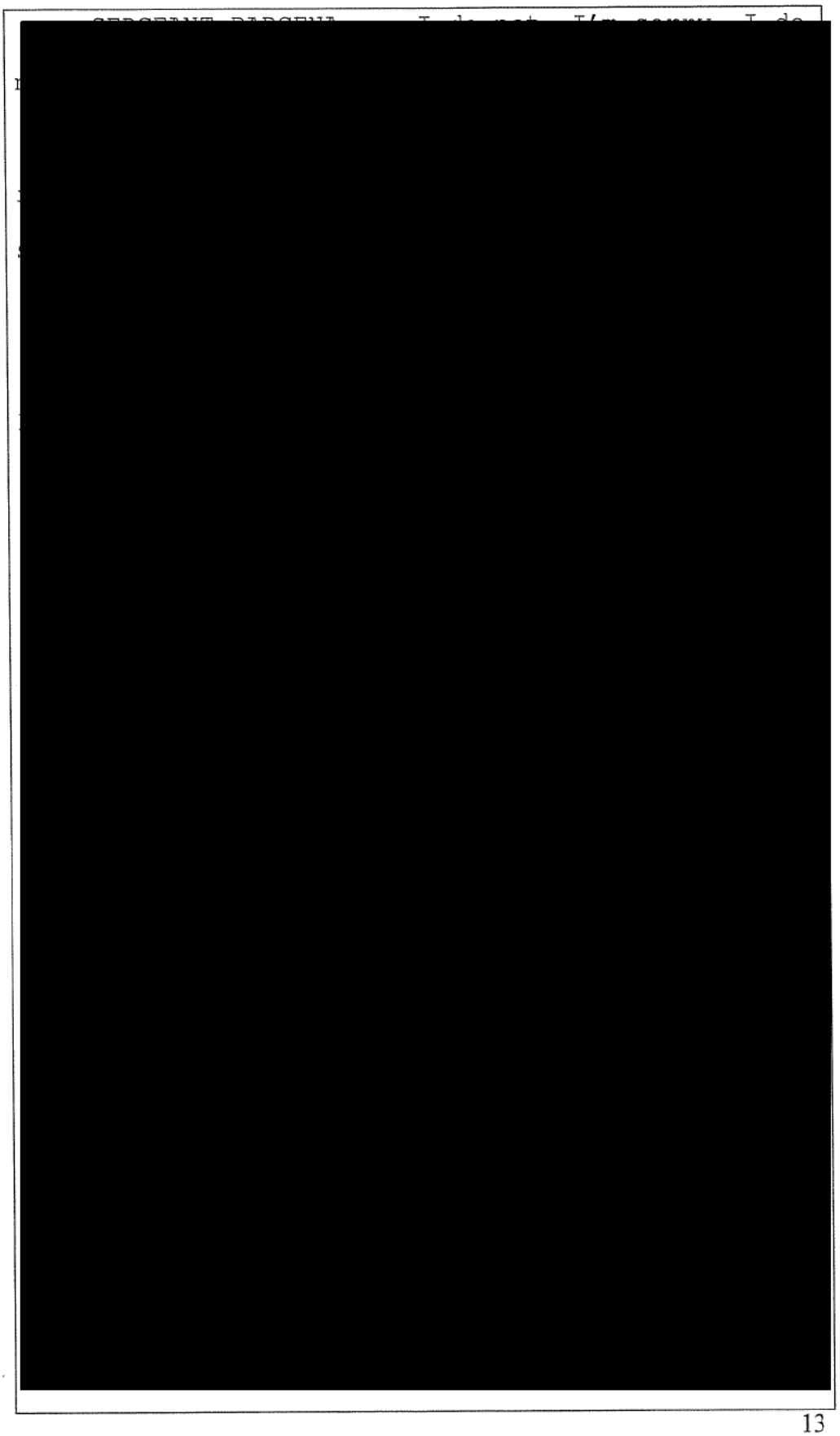
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[redacted]

SERGEANT TORRES: Okay. Mister Brass, do you have anything?

ATTORNEY BRASS: I do not, thank you though.

SERGEANT TORRES: Okay. Right. All right. Sergeant Barcena, because this is a confidential investigation, you're ordered not to speak about this interview to anyone else, other than your representative. Do you understand?

SERGEANT BARCENA: I do.

SERGEANT TORRES: Okay. That concludes this interview, and the time currently is 1613 hours.

END OF DOCUMENT

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SGT. PILAR TORRES: Okay. Today's date is May 22nd, 2018. The time is currently 11:55 hours. This interview is regarding OIS Case Number [redacted]. This interview is taking place at the Office of the Internal Affairs Division. Conducting this interview is Sergeant Pilar Torres. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. The member being interviewed? Sergeant, could you please state and spell your name and star number, please?

SGT. GEORGE PEREZ: Sergeant George Perez. First name is spelled G-E-O-R-G-E. Last name is Perez, P-E-R-E-Z. Star number is 739.

SGT. TORRES: Sergeant Perez is the named member in this matter. Representing Sergeant Perez is?

POA ATTY. DON NOBLES: Don Nobles, POA Attorney.

SGT. TORRES: Also present from the Internal Affairs Division is?

SGT. JOHN CRUDO: Sergeant John Crudo. Star number 1694.

SGT. TORRES: No one else is present.

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Sergeant Perez, did you read the SFPD Notice regarding this administrative investigation?

SERGEANT PEREZ: Yes.

SGT. TORRES: Notice I gave you?

SGT. PEREZ: Yes.

SGT. TORRES: Have you read and do you understand Department General Order 2.08 and Government Code [1303] Subsection E?

SERGEANT PEREZ: Yes, I do.

SGT. TORRES: Okay. Have you read and do you understand Department General Order 2.01, Rule 21, and Rule 49?

SERGEANT PEREZ: Yes, I do.

SGT. TORRES: Okay. Because this is a confidential investigation, you are ordered not to speak about this interview to anyone. Do you understand?

SGT. PEREZ: I understand.

SGT. TORRES: Okay.

POA ATTY. NOBLES: Except your counsel.

SGT. TORRES: Except counsel. Do you understand this interview is being recorded?

SERGEANT PEREZ: Yes, I do.

SGT. TORRES: Okay. Just so we're clear, Sergeant Perez, I am ordering you to answer these

questions. You understand?

SGT. PEREZ: Yes, I do.

SGT. TORRES: Okay. All right. As you know, I monitored your voluntary interview with Homicide Detail conducted sometime in March. I don't recall the exact date. And I gave you a transcript of that recording. Have--yes, transcript of that recording. Have you had an opportunity to review the transcript?

SERGEANT PEREZ: Yes, I have.

SGT. TORRES: Okay. Sergeant Perez, it is not uncommon after a life-threatening encounter as the body works through the natural releases of adrenaline and other physiological reactions that additional things are remembered or memories and perceptions become clearer. Having reviewed your interview and transcript, is there anything that was not covered in the interview that you would like to add to the record at this time, or anything that you'd like to clarify?

SERGEANT PEREZ: Not that I can think of.

SGT. TORRES: Okay. Do you have a specific and independent recollection of the incident that occurred on the night of March 6th, 2018?

SERGEANT PEREZ: I have a general

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recollection of what happened. I don't--if you were to ask me for a specific--by parts of the incident, I couldn't tell you if I would remember it till you asked me the questions.

SGT. TORRES: Understood. Before we get into the heart of the interview, I'd like to clarify some of the information that you gave during the Homicide interview. Your name is Sergeant George Perez, star number 739?

SGT. PEREZ: Yes.

SGT. TORRES: Date of birth of [redacted].

SGT. PEREZ: Yes.

SGT. TORRES: You entered the Department on [redacted].

SGT. PEREZ: Yes.

SGT. TORRES: And your current assignment, you've been there for approximately two years at Mission Station?

SGT. PEREZ: Yes.

SGT. TORRES: You have a total time of about 19 years in the Department?

SGT. PEREZ: In this Department.

SGT. TORRES: Okay. On the night of this incident, you were working a 10B shift?

SERGEANT PEREZ: EWW shift.

SGT. TORRES: EWW shift. Your normal hours are midnights?

SGT. PEREZ: 21 to 07. Yes.

SGT. TORRES: Okay. The night of the incident you were wearing Class B uniform?

SERGEANT PEREZ: I was in my BDUs.

SGT. TORRES: And you responded to the incident with Sergeant Caldera?

SGT. PEREZ: Yes.

SGT. TORRES: Do you recall the vehicle you were in?

SGT. PEREZ: It--I don't recall the vehicle number. I recall it was one of the new Ford smaller vehicles.

SGT. TORRES: Okay. And you were the passenger?

SGT. PEREZ: Yes, I was.

SGT. TORRES: And you responded with your normal deployment, your Sig 226?

SGT. PEREZ: Correct.

SGT. TORRES: No ERIW?

SERGEANT PEREZ: I did not.

SGT. TORRES: No rifle?

SERGEANT PEREZ: I did not.

SGT. TORRES: And you had all your Department-

issued equipment with you?

SERGEANT PEREZ: Yes.

[redacted]

SGT. TORRES: Are you currently under the care of a doctor for any injury or illness?

SGT. PEREZ: Not no more.

SGT. TORRES: Are you currently taking any prescribed or over-the-counter medications?

SGT. PEREZ: No.

SGT. TORRES: Do you wear corrective lenses?

SGT. PEREZ: I currently--I should but I currently don't.

SGT. TORRES: Okay. Do you know what your eyesight is? Do you know what [UNINTELLIGIBLE] is?

SGT. PEREZ: I do not know.

SGT. TORRES: Okay. So are you near, far--nearsighted or farsighted? Do you know?

SGT. PEREZ: I don't know. I just know it's hard for me to see nowadays.

SGT. TORRES: Okay. And night of the incident were you taking any medication, whether prescribed or over-the-counter?

SGT. PEREZ: None.

SGT. TORRES: The night of the incident, had you consumed alcohol or any other controlled substances?

SGT. PEREZ: No.

SGT. TORRES: In your words, can you tell me why we're here today?

SGT. PEREZ: Because I received a memo concerning I had an IA investigation to meet with you today. I believe this is concerning my BWC.

SGT. TORRES: But do you--the incident that this is covering, do you know what that is?

SGT. PEREZ: Oh, yes. Yes.

SGT. TORRES: Okay. And what is that?

SGT. PEREZ: That is an Officer-Involved Shooting that occurred on Capp and 21st, 20th?

SGT. TORRES: Can you briefly summarize the incident?

SGT. PEREZ: Summarize it. Like my arrival or before I arrived? Where should I start?

SGT. TORRES: Why you were responding or what prompted you to respond and then just go from there.

SGT. PEREZ: What prompted me to respond, I went back for my EWW shift to Mission Station, take a break. I was going to ask Leonard and--Leonard Caldera and Oscar [Barsena] who I knew were working that evening, who I used to work with at nights, if they wanted to get coffee with me. Leonard was the only one. But at the same time I heard over the radio a unit get on the air that they just had I think one or two civilians come up to them saying that they just got robbed at gunpoint. And that they had the vehicle and possible suspects and were going to do a traffic stop of the vehicle on Capp Street. It could have been 20th or 21st. I'm not quite sure on today's date. At that time the air on the radio was getting kind of convoluted. People

were stepping on each other. Me and Leonard looked at each other and said, "We better go to that as Sergeants." And we say that because we knew a week or two weeks before or prior to this shooting Southern Station had had a shooting. And we knew Southern Station had a shooting and there were some issues regarding a supervisor not being on scene. So me and Leonard took it upon ourselves as supervisors. We'd better go. So we went. As we were going, we were listening to the radio. In Capp Street from Mission Station is not that far. So we got there in a matter of seconds. But as we were going, we were listening to radio. Everything was unfolding. People were--someone was announcing that [UNINTELLIGIBLE] approach already as we were arriving. Many units were already arriving who were there on scene once we got there. And I know that because where we parked our vehicle was near the intersection of Capp and, like I said, 20th to 21st. And the incident was mid-block on Capp so we actually had to park behind all these other vehicles. And once we got there we exited the car. I walked briskly. I don't know if I ran or not but I believe I walked briskly to the scene, which led mid-block. As I walked briskly to the scene, I

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noticed there was one patrol car in the middle that was I guess the main patrol car at this traffic stop of the vehicle. I noticed there was officers lined up on the right side of the patrol car. Officers lined up on the left side. Almost like a U. If you were looking at it from an aerial point of view, it was almost like a U of officers lined up. I noticed there was one Hispanic gentleman in the rear compartment passenger handcuffed. And one patrol vehicle on my left side. He was yelling. I couldn't really understand what he was yelling at or what he was saying. But I remember having one officer, and I forgot who it was, telling me that that was the driver. So I know he was secured and that my focus is the officers, everyone in front of me meaning civilians and the two other suspects that are still in the car. The way I looked at it was since I'm on the left side anyway of the scene, if you look at it an aerial point of view, I'm going to speak to and control all the officers on the left side. Lenny Caldera, I assume, was just gonna take control of the right side. I went on the left side. I started telling officers to focus. I kind of made jokes to, I'll admit, to kind of ease the tension from the officers. Everyone--a lot of people had

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their guns out. I didn't have my gun out. Some officers didn't have their guns out but they were on the side also. I remember seeing two or three civilians down range from where we were standing in patrol cars and the suspect's vehicle, and they were on the east side of Capp Street. I remember yelling at them to get out but they couldn't hear me. I saw two officers on my left side that didn't have their guns out. One of them was plainclothes. They were off swing watch. I remember telling them, "Get those civilians out of down range," and they went down. They cleared them out. And secured from any other people coming up Capp Street. I remember going up to officers on the left side from Officer Tupper to Officer Santana who had the ERIW and I forgot who else on the left side of the scene. Telling him to focus. I remember asking--I think--I believe it was Tupper or Santana, what they had and I could see it, too, that there was someone in the trunk. They told me the guy in the trunk won't get out, he won't remove himself. I could see him. I couldn't see his face. I could see a girl in the front passenger seat of the vehicle. She was yelling hysterically. I could hear Officer Santana, who was holding the ERIW, yelling out instructions

in Spanish and English to the person and I assume in the trunk. Now I don't speak Spanish. But I--one can assume he's yelling at the person in the trunk. I could--took a glance on my right side. I could see the patrol vehicle and Officer [Banaquez] on the right side of the patrol vehicle, the passenger side door, on the mike yelling also in Spanish and English to the suspect in the trunk. The guy in the trunk moved several times which kind of freaked everybody out including myself. Because we didn't know what he was gonna do, to me it looked like he was positioning himself to do something. I wasn't quite sure what it was. But for my safety and the officers' safety, I basically told everyone just to keep your focus on him, keep your focus on him. I wasn't even worried about the female 'cause to me she's just yelling hysterically so I'm not even worried about her. I'm yelling to--yelling at the guy in the trunk. But I couldn't see him. I couldn't see what he was doing. I remember Officer Santana on my left side yelling at him in Spanish. Next thing Officer Santana lets, I think, a round or two rounds with the ERIW which kind of pissed me off because it was right next to my left ear which just messed me up. It just injured my ear. I went out

on DP and it injured my ear. Then once that happened I couldn't tell if the ERIW hit him or if it hit the bumper. I don't remember. I remember my left ear hurting, like stinging. I went to the back of that main patrol car where I saw Officer Caldera. I told him what just happened. I forgot what Officer Caldera told me. And then shots galore. Which--which, yeah, just shots galore.

SGT. TORRES: And then what happened?

SGT. PEREZ: I knew when I went back to the left side of the vehicle, I knew that--I mean, any normal person would know that the guy in the trunk got shot. Everyone who shot got the trunk. I didn't know at that moment how many times the suspects shot at the officers. I knew he was down, though. But I can hear the female still in the front passenger seat yelling and screaming. The guy over to--giving the guy in the trunk a few more commands. I know he was gone. I just knew it. So I was like, okay, we gotta go. He ain't coming out to us. Let's get him out and get her out. I was asking if everyone had a shield. Nobody had a shield. Officer [Cayasa], Sonya [Cayasa] told me that she had them in her SUV. I ran back to the corner, got the shield. I formed a team. Got my

handgun out. Walked up to the rear of the trunk. I had Officer Smets, Colby Smets on my left side. And I told him, "Pull the guy out of the trunk," because I know he wasn't moving. He was just--you could see the blood on him. I told him to take him out, handcuff him, which they did. Once they did that my attention was focused on the girl. I told her to remove herself but she was so hysterical she couldn't. I told Officer [Rotchy], Michael [Rotchy] to pull her out of the vehicle from the driver's side of the vehicle, which he did and secured her. The car was secure. As I walked back to look from the car, I could see three or four officers doing CPR on the suspect who was in the trunk. But I mean I knew he was gone. And then I dropped the shield and I started checking on all of the officers. But before I did that I believe I called a 406 because it was one of those scenarios where incidents, and I've been through a few of them, that you're going to need every officer available on this one for help, for assistance. And like I said before, I didn't know how many shots the suspect may have gotten off. I didn't know if an officer got hit or not. But once I called a 406 I started checking on all of the officers to make sure no one got hit.

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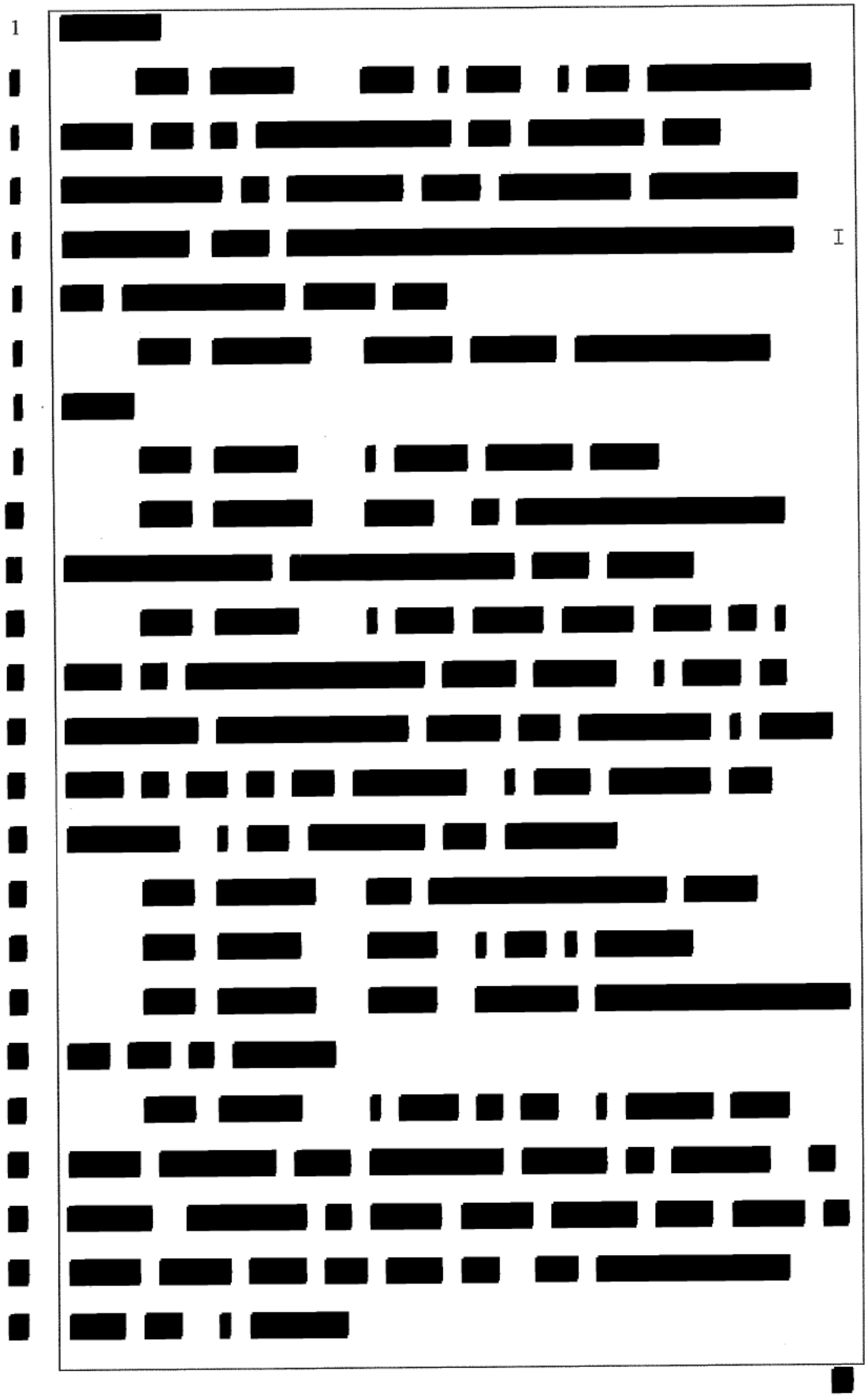
And then by that time I believe [UNINTELLIGIBLE] Lieutenant [Ronbat] had came up on scene. And then he took over everything and he just told me. "Everyone who shot, George, get them on the west side of the block," which I attempted to. And it was just a chaotic scene. There were some officers who shot who were, you know, they were just stunned over what just happened. You could see it in their faces. You could see it by their actions because in speaking to them they're not responding to you normally. Yeah.

SGT. TORRES: In everything that you just described, what's the timeframe that we're looking at? If you recall?

SGT. PEREZ: I don't recall the time exactly. We're talking--but from the time of the shooting to the time of me checking up on all the officers after the shooting, we're talking just a matter of minutes, if anything. Because they were very--you got to remember, we had--I had to find the shield to get up to the car and secure the suspect and the female. We're talking minutes.

[redacted]

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[redacted]

SGT. PEREZ: [redacted]

SGT. TORRES: [redacted] your BWC prior to [redacted] March 6th, 2018?

SGT. PEREZ: [redacted]

SGT. TORRES: [redacted] on March 6th, 2018, [redacted] irregularities with [redacted]

SGT. PEREZ: [redacted]

SGT. TORRES: [redacted] person March 6th, [redacted]

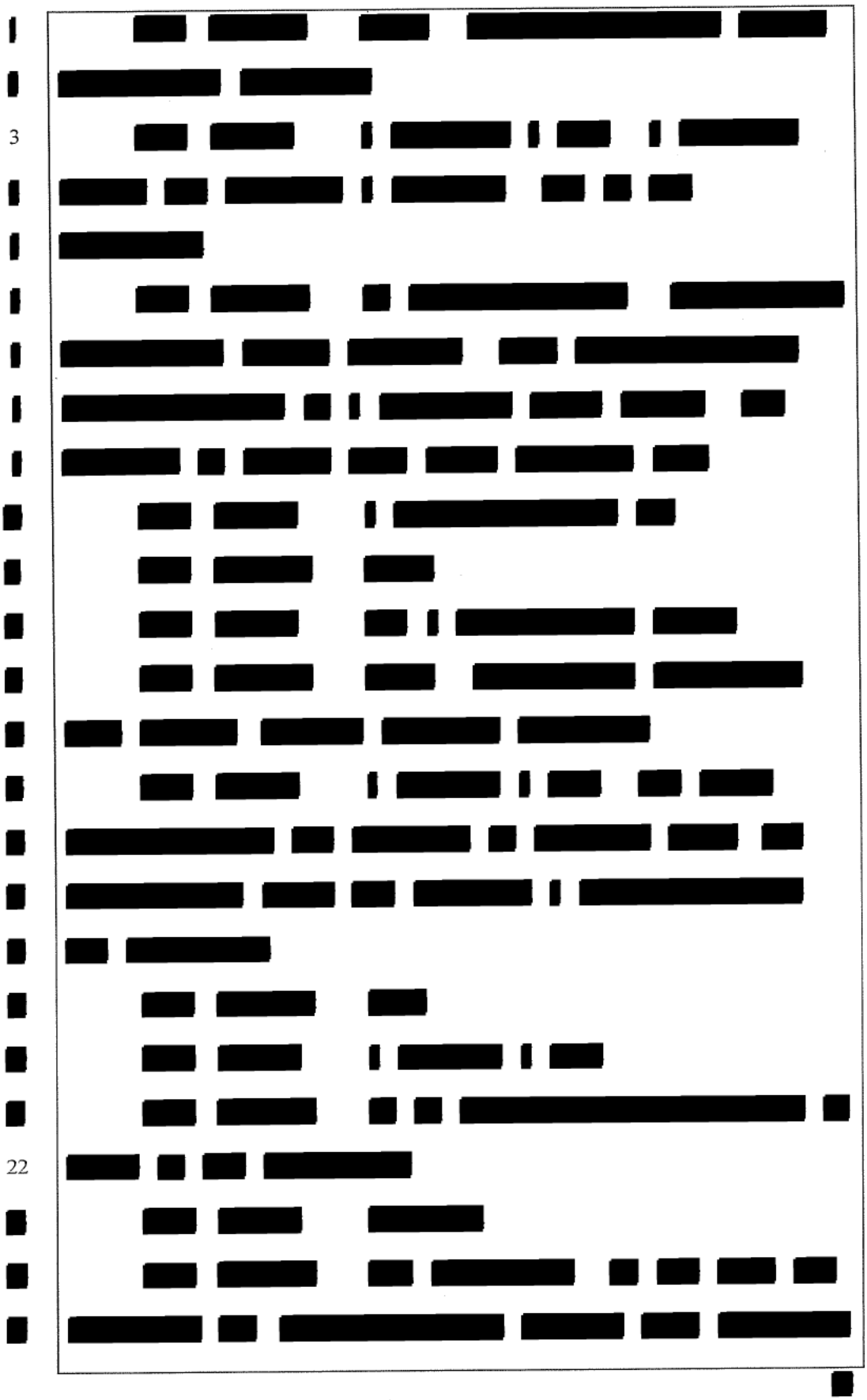
SGT. PEREZ: Yes, on my chest.

SGT. TORRES: Okay.

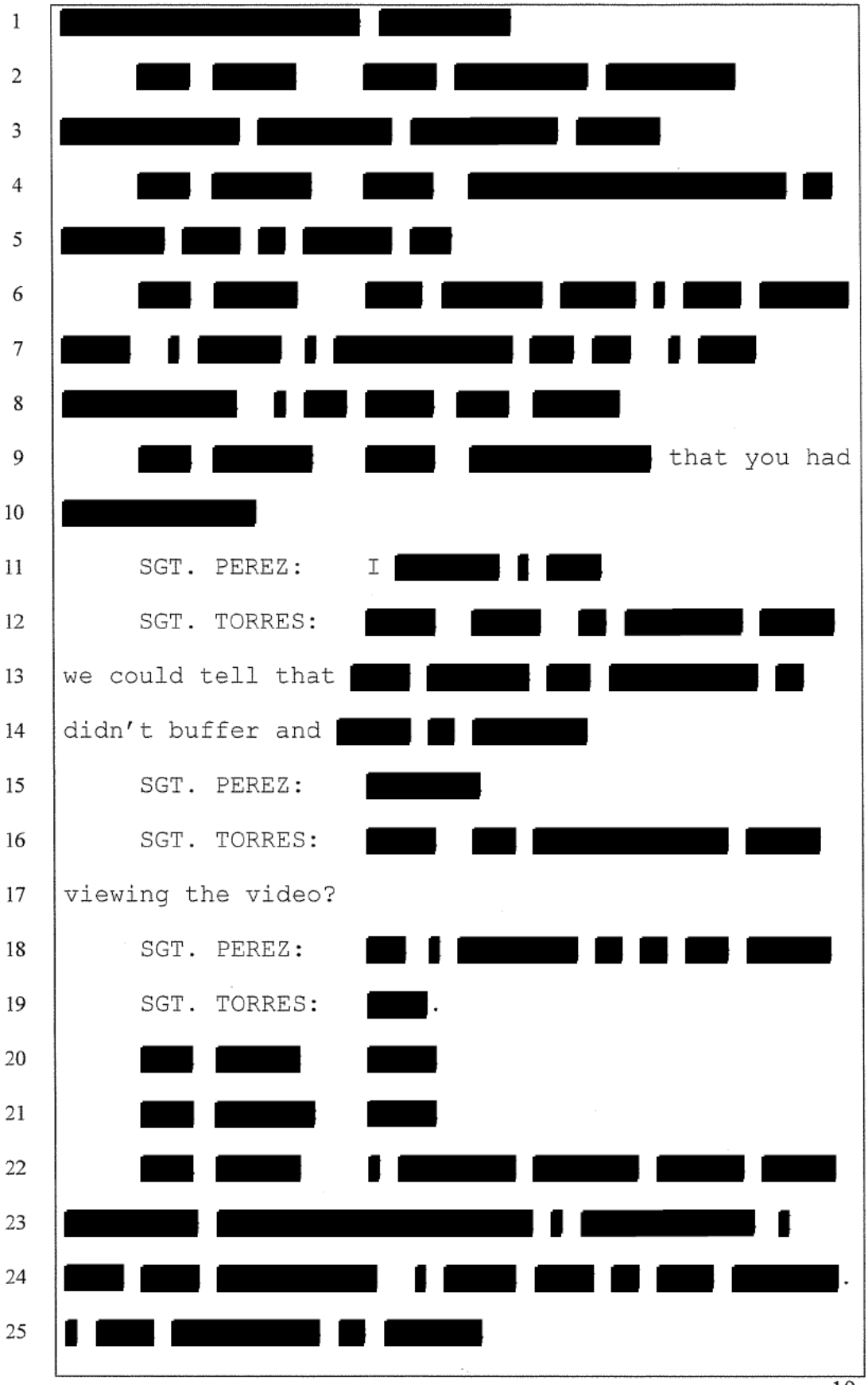
SGT. PEREZ: [redacted]

[redacted]

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that you had

SGT. PEREZ: I

SGT. TORRES:

we could tell that

didn't buffer and

SGT. PEREZ:

SGT. TORRES:

viewing the video?

SGT. PEREZ:

SGT. TORRES: .

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[redacted]

SGT. TORRES: No worries, no worries. So during--Sergeant Perez, where were you positioned when--during this incident? If you could just briefly state where you were positioned as soon as you got on scene?

SGT. PEREZ: Like I said before, I walked up briskly to the patrol car, the single patrol car. It seemed like it was the center of the whole--where all the officers were lined up. Either on the left side or right side. I went up and I don't know how--I don't have a reason why I did or I didn't, but I just went up to the left side. And started making sure all the officers were okay, right there. And then when Santana let go of that ERIW, I was still on the left side. From there I went back to the rear of that patrol car to talk to Sergeant Caldera. And that's when the shooting happened.

SGT. TORRES: Okay.

SGT. PEREZ: And then to go up to the vehicle I went on the right side. Because I remember passing up [Banaguez].

SGT. TORRES: Okay.

SGT. PEREZ: And her and that's--because

we're training, you know, you go--you know, you clear a patrol--I mean, you clear a suspect's vehicle. I don't know how they're training new people in the Academy now but I was trained you go up the right side. And cleared the vehicle. And so then I went up the right side.

SGT. TORRES: Okay. For the majority of this incident, were you behind cover?

SGT. PEREZ: Majority of the incident, yes.

SGT. TORRES: Okay.

SGT. PEREZ: Well, I had to be because once Santana let go of that ERIW--once Santana let go of that ERIW, my ear was--my left ear was shot. It was that. So, yeah, I went--behind cover.

SGT. TORRES: Throughout the incident, did you give any directions or instructions to anyone?

SGT. PEREZ: I basically told the officers just to keep focus on the vehicle. To--I hate to say it but basically I used some words also like, "Shut up," and all that because some of--there was just too many orders being barked out. And I know from my training and experience, you can't--not everyone and their mother can be out there barking orders. So I basically told everyone basically, "Shut up." And let Santana and [Molin] do their

job. I gave all the officers, like I said, orders to clear out the civilians that were on the east side of Capp. But that was my focus. Right--before the shooting happened, that was my focus, like I stated, because I figured Caldera would take care of the right side since there was two of us.

SGT. TORRES: I think you might have just covered my next question but I was going to ask you, what was going through your mind at this time?

SGT. PEREZ: My mind was--it's what goes on my mind whenever I see an incident as this develops. From the years of law enforcement I have, the things I've seen, the training I've received, it's--and as a Sergeant now, it's the safety of the officers on scene. It's the safety of the civilians that I saw walking up. And walking up and coming up on the east side of Capp Street. It's the safety of, believe it or not, also the suspects that were still in my car because nobody wants to be killed. Nobody wants to be shot. I want them to exit the car just like the driver did. It's the scene safety. And that's--that was my focus. I mean, everything happened so quickly. Just the scene safety. What it was. And I'm sure you know the majority of officers at Mission Station are very young. Time

in. And age. Their very young. So I know a lot of them were probably nervous. Were probably so tunneled that, you know, like I said, when I went on scene, everyone on that side, I walked behind them and I told them, "Focus," but I made some jokes also to ease the tension. To break out of their-- hopefully to break out of their tunnel vision. But still stay focused. And, yeah, that was on my mind.

SGT. TORRES: Okay. Did you `direct anyone to deploy with a less lethal round?

SGT. PEREZ: I did not. And I didn't know Santana was going to deploy, I mean, because he was yelling in Spanish and I'm standing right next to him and he deploys it and it hurts my ear. You know, and I was--[UNINTELLIGIBLE]

SGT. TORRES: Okay. Did you happen to hear the warnings given for the less lethal?

SGT. PEREZ: That I don't recall.

SGT. TORRES: You stated in your Homicide interview that you were caught off-guard by the deployment of the less lethal.

SGT. PEREZ: Yes. 'Cause if--and I know Brian Santana. He's a good officer. If--if I knew he was gonna let it off right there and then I probably would have backed--you know, backed away

from him. But like I said, it was--it was right next to my ear.

SGT. TORRES: And further you had stated there's a lot of people yelling.

SGT. PEREZ: Yeah, that too.

SGT. TORRES: Okay.

SGT. PEREZ: It was chaotic. It was a chaotic scene. There were a lot of people barking orders. You could--I mean--it was--I hate to say it but it was surreal. Everything was moving fast, fluid. But at the same time, you know, your supervisor and you're trying to make sure everyone's staying focused. You're trying to make sure civilians are safe. The two suspects are safe. You're trying to keep everyone else quiet because, yeah, everyone's yelling orders out but you know--and I know that Santana speaks Spanish and he's yelling in Spanish and English. I know [Banaquez] is on my right side. She's Spanish-speaking. She can relate. These officers are, I believe, can relate to the suspect. Or suspects in the car. So at the same time because you hear sirens behind you coming still, and you're trying to control the whole thing. But, yeah, maybe, it was hard. I'll admit it. It was. Looking back at it, it was hard.

SGT. TORRES: Okay. Did you give a--I'm sorry. Did you take any Public Safety Statements?

SGT. PEREZ: Yeah, I was about to. And then Mike Sugars, Sergeant Mike Sugars, and Sergeant Josie Russell took that part. 'Cause I--once I got all the officers or most of the officers on the west side of Capp, the ones who shot, I got them there, Sugars and Russell came on-scene and said they were going to start taking--'cause they asked me if I started. I was like, "No, I didn't. Not yet." 'Cause I'm--and I remember telling Mike, I'm still trying to figure out if anyone's hurt because there was some officer that bled on him. And I realized after the fact, they weren't hurt from like getting shot at. But they had the blood on them because they were doing CPR and he had blood all over him. It didn't hit me at that time that's where the blood was coming from but I started telling officers, "You got to go with that medic. You got to go with that medic." So I didn't start--I didn't do the Public Statements.

SGT. TORRES: Okay. Did you recognize this suspect in the trunk?

SGT. PEREZ: I did not recognize him.

SGT. TORRES: Okay.

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SGT. PEREZ: But I--it's--I told Caldera this. I told him when I was in the rear of the vehicle. That these guys are the 211 suspects and I told Homicide this too. These are the 211 suspects we've been looking for, for the past month or two months. 'Cause there was a series going on. Same description. Same M.O. Two males. One female.

SGT. TORRES: Did you try to establish communication with the individual in the trunk?

SGT. PEREZ: I did not. Personally, I did not 'cause like I said two officers were already speaking with the main officers. I'm going to let them do their job.

SGT. TORRES: Was the suspect--could you hear the suspect responding to any of their dialogue, either in English or Spanish?

SGT. PEREZ: I did not hear a single word from her.

SGT. TORRES: Would you consider what the officers were doing trying to establish communication?

SGT. PEREZ: Yes.

SGT. TORRES: Did you see the--or you already answered this. You saw the female in the back of the trunk?

SGT. PEREZ: The female was in the front passenger yelling and screaming.

SGT. TORRES: When did you first notice her?

SGT. PEREZ: Once--I stated before. Once I got on scene, I asked who the Hispanic male in the back of the patrol vehicle, which it was a J--which was kind of parked on the left side, east side of Capp maybe about ten feet from the main vehicle. I saw a--on the east side of Capp Hispanic male and the--sitting in the right rear passenger handcuffed. So I know he's secure. And then when I walked up to another officer, I could see the vehicle in front of me. And I could see--and I remember asking, I think Tupper, or another officer, maybe Santana but I think it was Tupper 'cause he was--he had the AR in front of me, "What do we go? Who else is left?" And, "We got one in the trunk, Sarge," and then the female, I could see her. Sorry.

SGT. TORRES: That's what Tupper said to you? "I can see her"--or do--

SGT. PEREZ: No, no, no.

SGT. TORRES: You could see her.

SGT. PEREZ: I could see her.

SGT. TORRES: Do you know if Tupper saw her?

SGT. PEREZ: I believe he--

SGT. TORRES: When he told you, he said he got one in the trunk, do you know if he saw the female?

SGT. PEREZ: I don't know.

SGT. TORRES: Okay.

SGT. PEREZ: I don't know. But my thing is, I mean, she was clear as day right there. I mean, I mean, like I said, unless people, like I said, and I'm sure there are a lot of young officers out there that have tunnel vision and I'm sure they were just focused on the guy in the trunk. Well, and so.

SGT. TORRES: Did you alert anyone as to the female in the rear of the vehicle, or in the passenger compartment of the vehicle?

SGT. PEREZ: I did not.

SGT. TORRES: Were you on scene at the time of the shooting?

SGT. PEREZ: Yes.

SGT. TORRES: Did you hear the suspect say anything prior to the shooting?

SGT. PEREZ: I did not.

SGT. TORRES: Did you see any officer fall down?

SGT. PEREZ: No.

SGT. TORRES: What warnings were given, if you recall, and by whom?

SGT. PEREZ: Well, I know when I first got there, like I said. I could hear [Banaquez] on the PA. I could hear Santana 'cause I was standing next to Santana, on the side of the line of officers. When I first got there before I started telling people basically to shut up and let those two officers speak, I could hear people yelling to the guy in the trunk, "Show your hands" repeatedly to him. You know, "Show your hands, show your hands." But he wouldn't.

SGT. TORRES: Did you hear anybody giving a warning first. Meaning a command and then a consequence?

SGT. PEREZ: I don't remember.

SGT. TORRES: No. Okay. But it was clear to you that the individual in the trunk was not complying with what the officers were requesting.

SGT. PEREZ: Yes.

SGT. TORRES: Yeah.

SGT. PEREZ: I remember that because I remember standing there when we first got there and people are yelling at him. I mean, there's no way that he couldn't hear the officers because of the distance or he was [UNINTELLIGIBLE] where the officers are. There's no way he could not hear that

many officers in Spanish or in English telling him to show his hands. There's just no way. I mean, unless he's deaf.

SGT. TORRES: So do you believe the communications was clear?

SGT. PEREZ: Yes.

SGT. TORRES: Do you think any other forms of force options were available to the officers or you, and can you discuss the reasonableness, the feasibility--or the feasibility of the application of them, or if they weren't feasible, why?

SGT. PEREZ: I think in this incident and what was given to the officers on scene was as much they--have done that evening. But the warnings given, multiple warnings. The officers had patience. You know, Santana let loose an ERIW which I don't recall if it hit him or not. And just holding their ground. The perimeter set on both sides of Capp Street, I mean, there's no way--there's nowhere--there's nowhere the guys can go, even if you drop in driver's seat and try to start the car and take off. There's no way. I mean, everything was just blocked. It was--you know, it was like I was telling another Sergeant I work with, it was almost like a chess move. Okay. We did our

move by giving him the warnings. Shot him with the ERIW. We were just waiting for his move which we hopefully would him show his hands and exit the trunk. Like the driver did. And to this day, which bothers me. I ain't gonna lie. To this day which bothers me, I don't understand because I'm one of those type people. I don't understand what his thinking was because if the driver understood and exited, I don't understand why the guy in the trunk never did. I don't.

SGT. TORRES: So the other force options that are available to us, can you go through them and either explain if they would work and--or if they wouldn't, can you explain why?

SGT. PEREZ: Well, we all know the ERIW didn't work because he--didn't remove himself from the trunk. The officers held their ground. No one was going to approach the car at that time. No one was going to approach the car because we all knew that because of what the initial officer said, that a gun is involved, and a gun was seen, that lives are--going to be a major issue here. People's lives. So no one's going into the trunk. The only option I saw was we were going to wait till he shows us his hands or removes himself from the trunk.

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He's going to wait. If he decides to stay in the trunk and not move at all, then we'll just call all of the Specialized units to come out there and take over. But we'll hold our ground till those units get there. Did we have that opportunity and chance? No, we didn't because it did--it just happened too quick, too fast.

SGT. TORRES: So was--do you think pepper spray was a reasonable option to deploy?

SGT. PEREZ: I don't think, because of the distance, pepper spray, the OC, wasn't--I don't think it would have reached him without--without an officer compromising themselves.

SGT. TORRES: Okay.

SGT. PEREZ: I don't think it would have worked.

SGT. TORRES: Okay. I think you answered this earlier. How long did this whole thing last from what you recall, from the time you arrived to when it was Code 4?

SGT. PEREZ: Till it was Code 4--I was going to say--well, the way I look at it was I viewed--it's funny. I viewed it as two parts. From the time I arrived to the time of the shooting, the shooting occurred, I want to say was within two

minutes, less than two minutes. From the time of the shooting to the time we got the body out to secure him, got the girl out, secured her, and making sure no officers got hit, that was several more minutes, too, because like I said, we had to find the body--the shield, too. So that took up a few more minutes, also. I mean, that's just my personal point of view. I looked at it as two parts.

SGT. TORRES: Did--and that's the reason I'm asking, did it--did the incident seem to unfold rapidly?

SGT. PEREZ: Yes. Yes. But there was, like I said, there was--it was weird because from the time I arrived there, from the time the shooting, it may have been a minute or two minutes or less than two minutes. But it seemed like to me there was a pause there because with [Banaquez] and Santana giving him orders, it seemed like there was a pause there 'cause we were waiting for him--we were waiting for him to show his hands and then--and exit the truck. So it seemed like there was a pause there. Now how long was that pause where--officers didn't do anything or he didn't do anything? I couldn't tell you how long that pause was. But it

seemed like there was a pause there. And then shooting happened.

SGT. TORRES: Did you see officers who weren't behind cover or concealment? Did you notice any of the officers who weren't behind cover or concealment?

SGT. PEREZ: When I first got there. Santana was behind the driver's side door. But then he stood on left side of the driver's side door where he let the ERIW go where I was standing. I saw two officers, like I say, in plainclothes on the east side of the sidewalk, who I directed to go down range and clear that--the civilians out. Out of any harm's way. I don't know if they returned or not. I saw some officers on the left side that were positioning themselves behind another patrol car and parked--civilian parked vehicles. I think I saw one officer kneeling on the left side. That's pretty much what I could remember.

SGT. TORRES: Okay.

SGT. PEREZ: And anyone, like I stated before, anyone on the right side, if you use a patrol vehicle as the center, anyone on that side, I don't recall because I assume Caldera was going to be taking over on that side.

SGT. TORRES: Okay. So Santana, correct me if I'm wrong, it sounds like you said he left cover to utilize the ERIW.

SGT. PEREZ: Correct.

SGT. TORRES: Okay. And you don't know what he did after that.

SGT. PEREZ: No. Because from here--once he shot the ERIW, I--like I said, my hearing was shot. I had to go back.

SGT. TORRES: And prior to that you did see an officer who was kneeling.

SGT. PEREZ: Correct.

SGT. TORRES: Not behind cover.

SGT. PEREZ: Well, I don't know if he was not behind cover.

SGT. TORRES: Okay.

SGT. PEREZ: Yeah. I can't see that clearly. Could he have used a bumper off a parked vehicle or a--off a patrol car? He could have. I can't say.

SGT. TORRES: Okay.

SGT. PEREZ: And I say that honestly because I wasn't in his--where he was kneeling.

SGT. TORRES: Okay. Yeah.

SGT. PEREZ: You know, I can say from a third party, "Oh, he's not behind cover." But he can say

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to me, "Well, no, Sarge, I was behind cover. It's just my cover, you just, you know, that's my point of view." And I go, "Oh, okay." Like Santana, Santana could have stated to me, me and Santana could argue every day, and he could tell me, "Well, Sarge, you know, I felt I was behind cover and I felt I was find if a shooting happened, if a shooting occurred." I can't.

[redacted]

SGT. TORRES: Any other injury as a result of

[redacted]

SGT. TORRES: Has this incident impacted you in other ways? Loss of sleep, appetite, anything, any--of that nature?

SGT. PEREZ: Well, you know what? I'll admit it to you. You know. Haven't seen a lot in this Department, in the police work. Haven't been through a lot. Haven't been in OIS before. And some other incidents, serious incidents where I was directly involved. Yeah. It has affected me. It affects me because I, to this day I still wonder, you know, what is the guy in the trunk thinking? You know, what is his motivation for firing a round off? I've seen the videos. I've seen a lot of videos. Over and over, I watch it. And I ask myself, you know, what--why is he firing at us when his partner already gave himself up? You know you're in the trunk of a vehicle. You have all these officers because you can hear the voices. I'm sure he could hear the voices, yelling at him to

get--show his hands. And move himself from the trunk. You're--if you have common sense, you know you're not getting out but--there's no escape. And I ask my--because this is the way I've always been, ever since I was a kid, in college, too. I always ask myself in scenarios like this, why? You know? What's the motivation? What's the guy's reason? You know, and I still ask myself things like that but past incidents I've been involved in or seen when I first started in the Department. And I go over in my head, over and over and over and over again. Some people think I'm almost like a maniac but I'm not. And I just like finding answers. That's the way I am.

SGT. TORRES: Having said that, I just--I'm sure you're aware of this but I'm going to reiterate it, that the Department has resources such as BSU, the Employee Assistance Program, and I encourage you to take advantage of those. You know, and those questions you ask yourself, those are normal. Those are normal questions that people ask themselves so please--I believe they're normal. Sergeant Crudo?

SGT. CRUDO: Well, question. Not a lot. Let me see. [UNINTELLIGIBLE] You did your EWW shift at the library, right?

SGT. PEREZ: Yes.

SGT. CRUDO: Okay. And then in response to one of Sergeant Torres' questions, he asked if you were under the care of a doctor or any injury or illness. Were you under the care of a doctor at the time of the incident?

SGT. PEREZ: No.

SGT. CRUDO: Okay. You stated when you were giving instructions two different points. I think you said them sort of in different ways so I want to just kind of confirm. In response to questions about did you give any direction or instructions to anyone, and you broke out in couple of things like clearing out civilians, controlling who was giving directions so that, you know, you had clear verbal instruction. And then you said you told officers to focus on the vehicle.

SGT. PEREZ: Right.

SGT. CRUDO: Earlier you said focus on the suspect. Do you remember if you basically put it one way or the other or is that just sort of the general?

SGT. PEREZ: I basically like--basically focus on the guy in the trunk. You know? Don't focus on--'cause you got to remember, you know,

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there's some things here we--I didn't mention. Like Capp Street, a lot of people on Capp Street don't like the policemen. Okay. I just thought I'd tell you that if you don't know. And, you know, and a lot of those people in the neighborhood don't like us. So you got people on the rooftops in their building, you know, and I don't know if it got caught on video. I'm sure some video do show it. That you got people out there yelling at us, yelling at the cops, "Don't shoot" or "cop killers" and this and that. You know? And you can hear that and my main focus is, I don't want the officers focusing like on this woman on the left side yelling anti-cop thing and we're focus now--he or she is focused on her. You know, and if a shot rings out, boom. The cop hit. You know, that's my main thing.

SGT. CRUDO: So while we're talking about that, 'cause that's something that, you know, you're the first person that has brought that up in the interviews.

SGT. PEREZ: Oh, okay.

SGT. CRUDO: That you--

SGT. PEREZ: [UNINTELLIGIBLE]

SGT. CRUDO: Well, I think it depends on where your focus is. And for you, I mean, so were

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these outside factors something that you felt that you had to kind of deal with as a supervisor on scene?

SGT. PEREZ: Yes. Yes. And that's why-- that's why when I got on scene, I was basically trying to have the officers focus on the suspect in the trunk. Don't focus on the people, the civilians out there who are yelling or trying to give you advice or instructions or not to kill, whatever you want to call it. Verbal--I don't know what you call them. Verbal stuff.

SGT. CRUDO: Did you observe officers who were--appeared to be distracted?

SGT. PEREZ: I could see--

SGT. CRUDO: And what way did you kind of feel that they appeared to be distracted?

SGT. PEREZ: I could see--you know, you asking me specific officers, I can't remember specific officers.

SGT. CRUDO: No, I'm not.

SGT. PEREZ: But I could remember people's heads moving left and right, up and down. You know? And they're not looking at each other. They're looking at the people where--who are critiquing them, yelling at them. Shoot, I got yelled at right

when I was in my patrol car and I remember talking to a Lieutenant about this. On this 915 BM suspect yelled at me right when I got my patrol car, you know, and I was like, okay, I'm not even going to focus on him. Okay, I got to go up to the scene. And that's where my--that's why I was kind of--talking about officers--you know, who were there, you know, looking at the trunk of the vehicle, focus on that and don't focus on everyone else yelling at them.

SGT. CRUDO: So that adds to the chaos of the situation?

SGT. PEREZ: Oh, yeah.

SGT. CRUDO: You talked about what--so when you walked through kind of your recollection of this incident--and your arrival on the scene, walking on the left side of the primary vehicle. Castanelli's vehicle. Is that correct?

SGT. PEREZ: It was--yeah, it was Tupper/Castanelli. They were partners that night.

SGT. CRUDO: So--you said you saw that the driver's at this point already--he's either in custody, put in car, secured. Do you know if anybody was that in that primary--was he in that primary vehicle or a different vehicle?

SGT. PEREZ: He was in a different vehicle on--on the left side kind of at an angle from the main patrol vehicle, he was--maybe 8 to 10 feet at an angle was another patrol vehicle. And that's where he was.

SGT. CRUDO: Were there other officers in that area who were monitoring him or--

SGT. PEREZ: Yes. There was--there--Jesus, there was maybe two or three uniformed officers right there.

SGT. CRUDO: Okay.

SGT. PEREZ: And they also had their--if I'm correct, they also had their doors open. For like--like where they were standing.

SGT. CRUDO: Okay.

SGT. PEREZ: Not where the passenger--not where Kelsey was their front doors of the patrol vehicle. They had that open.

SGT. CRUDO: As cover or--

SGT. PEREZ: Yeah. That's--I'm assuming it's cover.

SGT. CRUDO: Okay. And then you say at that point you see the two other suspects in the car. You described the person in the trunk. And then you described the female in the front passenger seat.

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SGT. PEREZ: Correct.

SGT. CRUDO: So you could see the female in the front passenger seat, at least her head--I mean, you were able to identify her as the female at that point?

SGT. PEREZ: Hm-hmm. You could see her and you could hear her.

SGT. CRUDO: Okay.

SGT. PEREZ: That's the thing. You could hear her.

SGT. CRUDO: And you knew it was--that screaming wasn't coming from--

SGT. PEREZ: Oh, it was--it was her.

SGT. CRUDO: Okay. And from your point of view on the driver's side of that vehicle, was--in terms of like a line of sight, was she kind of beyond--directly beyond the guy in the trunk? The suspect in the trunk? Or was she skewed in one way or another kind of across from that line, direct line.

SGT. PEREZ: In my point of view she was direct line but beyond the guy in the trunk.

SGT. CRUDO: Okay.

SGT. PEREZ: 'Cause you couldn't see her full body. You couldn't see her full body because of the

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passenger seat.

SGT. CRUDO: Did she appear to be moving or anything?

SGT. PEREZ: I don't--oh, I just remember her--I just remember her looking our way and yelling.

SGT. CRUDO: So you could see--you say "look your way", so you could see--

SGT. PEREZ: Well, yeah--

SGT. CRUDO: Her face or at least her profile?

SGT. PEREZ: Oh, yeah.

SGT. CRUDO: Okay.

SGT. PEREZ: And yelling.

SGT. CRUDO: Okay. Okay. And this is before any shots were fired?

SGT. PEREZ: Yes.

SGT. CRUDO: Okay. After shots were fired you said, and you heard the X screaming and this--or the female screaming, you didn't know how many--how many times--that you knew the suspect had--was shot and down. You'd gone back and were updating Sergeant Caldera, correct?

SGT. PEREZ: Correct.

SGT. CRUDO: Okay. And then you heard the

shots fired.

SGT. PEREZ: Correct.

SGT. CRUDO: And you described down in that part of the interview kind of a little pause and then--went off. The shots went off. But you knew the suspect, you said "shots galore" was actually what you said. And then you said you knew the suspect was down. You didn't know how many times the suspect--shots had gotten off at that point so that was a concern when you talked about that later so--

SGT. PEREZ: Correct.

SGT. CRUDO: [UNINTELLIGIBLE] so. You heard the female screaming at that point. Then you said you knew, and I just want to touch on this, you knew the suspect was gone. What did you mean by that?

SGT. PEREZ: I knew--I knew--my opinion? I knew he was shot and he's probably dead. I knew. I just knew.

SGT. CRUDO: Without having seen him, I mean, what did you base that on?

SGT. PEREZ: The amount of shots fired 'cause it was--like I said, it was a lot of--it was galore. I mean, what I mean galore and I hate to say galore, but it was a lot of frickin' shots. I mean. He was

just not moving.

SGT. CRUDO: Okay.

SGT. PEREZ: He's not moving.

SGT. CRUDO: And then you saw that he wasn't moving, then you make your approach and you still have him handcuffed and--

SGT. PEREZ: Right.

SGT. CRUDO: Okay.

SGT. PEREZ: And I remember when we made our approach, I ordered--forgot his name--the young officer on my left.

SGT. CRUDO: You said Smets.

SGT. PEREZ: Smets. Colby. I remember telling Colby, "Take him out, handcuff him and"--

SGT. CRUDO: Him, you did say [UNINTELLIGIBLE], your recalled Smets as one of the officers you saw with blood?

SGT. PEREZ: Yes.

SGT. CRUDO: Okay.

SGT. PEREZ: And I remember I took a quick glance at the suspect that was in the trunk and I mean I just confirmed, right? I knew he passed away 'cause he was just--it doesn't look real. It looked kind of--it looked--his face but it looked--it didn't look like a human being. Did say that. It

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didn't look real. I knew he was passed. I knew he passed. So now my main focus is on that--that girl.

SGT. CRUDO: Who was still screaming.

SGT. PEREZ: Yeah. And--yeah.

SGT. TORRES: All right. At this time that completes the interview. Time is currently 13:03 hours.

END OF DOCUMENT

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Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
CASSINELLI, STEPHEN	3/13/2018	[redacted]	1104	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG ,Rifle, ERIW)**	Y/N	Comments:
	*Are you experiencing any anxiety that would prevent you from shooting your firearms?	Y/N	
	*Are you prepared to qualify?	Y/N	
	Discussion:		
	*Field of fire	Y/N	
	*Situational awareness	Y/N	
	*Tactical repositioning	Y/N	
	*Scene Safety / First Aid	Y/N	
	*Contact / Cover	Y/N	
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 of 4052

Sgt. A/SGT K. BROWN #4584

(rev 01/18)

SFDPA - 0097-18 - 002292

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
SMITH-RUSSACK, ARI	3/13/2018		4132	[redacted]	CO-D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG, Rifle, ERIW)** *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 04/05/2

A/Sgt. K. Brown 814 163814

(rev 01/18)

SFDPA - 0097-18 - 002293

Range Training
Officer Involved Shooting / Return to Duty

Name	Date		Signature	Star	A #	Assignment
~~CUSTILLO~~, JUAN DANIEL	3/13/2018		[redacted]	1469	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG ,Rifle, ERIW)** *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	~~16-219 (UPDATE PACKET)~~ ~~16-221 (RESCINDING OF DGO 5.02)~~
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Instructor: O. PADILLA #4052

Date and Time: A/Sgt. K. DOZIN 3/14 1584

(rev 01/18)

SFDPA - 0097-18 - 002294

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
O'ROURKE, SEAN	3/13/2018	[redacted]	2214	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG ,Rifle, ERIW)** *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 [redacted] 4052

[redacted] gt. K. BORN 814 19801

(rev 01/18)

SFDPA - 0097-18 - 002295

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
SMETS, COLBY	3/13/2018	[redacted]	253	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? (HG, SG, Rifle, ERIW) *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 [redacted] 4052

[redacted] **Sgt.** K. Bow 814 CS 814

(rev 01/18)

SFDPA - 0097-18 - 002296

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
TUPPER, JOSHUA	3/13/2018	[redacted]	4115	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG ,Rifle, ERIW)** *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 [redacted] 4052

A/Sgt. K. BROWN 814 K.B. 814

(rev 01/18)

SFDPA - 0097-18 - 002297

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
ISHIDA, JOHN	3/13/2018	[redacted]	2035	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG ,Rifle, ERIW)** *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 [redacted] 4052

A/Sgt. K BROWN 814 / S 814

(rev 01/18)

SFDPA - 0097-18 - 002298

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
CHIU, LOREN	3/13/2018	[redacted]	1306	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG ,Rifle, ERIW)** *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	(Y)/N Y/(N) (Y)/N (Y)/N (Y)/N (Y)/N (Y)/N (Y)/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	(Y) / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	(Y) / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 [redacted] 4052

Sgt. K. BOZWELL 814 10814

(rev 01/18)

SFDPA - 0097-18 - 002299

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
NAGAI, NICHOLAS	3/13/2018	[redacted]	2017	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? (HG, SG, Rifle, ERIW) *Are you experiencing any anxiety that would prevent you from shooting your firearms? *Are you prepared to qualify? **Discussion:** *Field of fire *Situational awareness *Tactical repositioning *Scene Safety / First Aid *Contact / Cover	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	Comments:
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Date and Time:

Instructor: O. PADILLA #4052 [redacted] 405 2

Sgt. A/SGT KIRK BORN 814 1584

(rev 01/18)

SFDPA - 0097-18 - 002300

Range Training
Officer Involved Shooting / Return to Duty

Name	Date	Signature	Star	A #	Assignment
CARROLL, CORBYN	3/13/2018	[redacted]	987	[redacted]	CO D

Post Discharge Debrief	*Are you comfortable shooting your firearms? **(HG, SG ,Rifle, ERIW)**	Y/N	Comments:
	*Are you experiencing any anxiety that would prevent you from shooting your firearms?	Y/N	
	*Are you prepared to qualify?	Y/N	
	Discussion:		
	*Field of fire	Y/N	
	*Situational awareness	Y/N	
	*Tactical repositioning	Y/N	
	*Scene Safety / First Aid	Y/N	
	*Contact / Cover	Y/N	
Engaging Threats at a Moving Vehicle DGO 5.01 **DB 16-219**	1. Chooses appropriate force option 2. Appropriate verbal communication 3. Tactics and situational awareness 4. Explanation of actions in accordance with policy and law	Y / N Y / N Y / N Y / N	N/A
Range Qualification and Malfunction Drills	Successfully Completed	Y / N	
Gun Safety	Weapon Handling and Manipulation Successfully Completed	Y / N	

Remediation	Performance Dimension	Pass	Comments

Special Directions	Yes	Comments
Review of DGO 5.01	✓	16-219 (UPDATE PACKET) 16-221 (RESCINDING OF DGO 5.02)
Other: Dept. Bulletins Reviewed	✓	17-010 (CIT Response to Person in Crisis) 17-095 (Required Elements in Use of Force Documentation)

O. PADILLA #4052 [redacted] 4052

Sent To: OIS IAD Investigator / FDRB Chair
Fax or Email

Instructor: _____

Date and Time:

Sgt. A/SGT K. Bozu 814 1038 4.7 (rev 01/18)

SFDPA - 0097-18 - 002301

Return to Duty

- The Return to Duty panel convened on Tuesday, March 13, 2018, chaired by Deputy Chief Robert Moser.
- Homicide Detail provided an overview of the investigation and initial findings.
- BSU reported that all involved officers had a CIRT debriefing.
- IAD reported that the officers had completed IAD recommended post-OIS debriefings.
- After considering this information, the panel voted unanimously to recommend the return of all officer to their regular assignments.
- The recommendation of the Return to Duty panel was forwarded to Chief Scott, who concurred with the recommendation. A letter regarding this decision was forwarded to the Police Commission.

SFDPA - 0097-18 - 002302

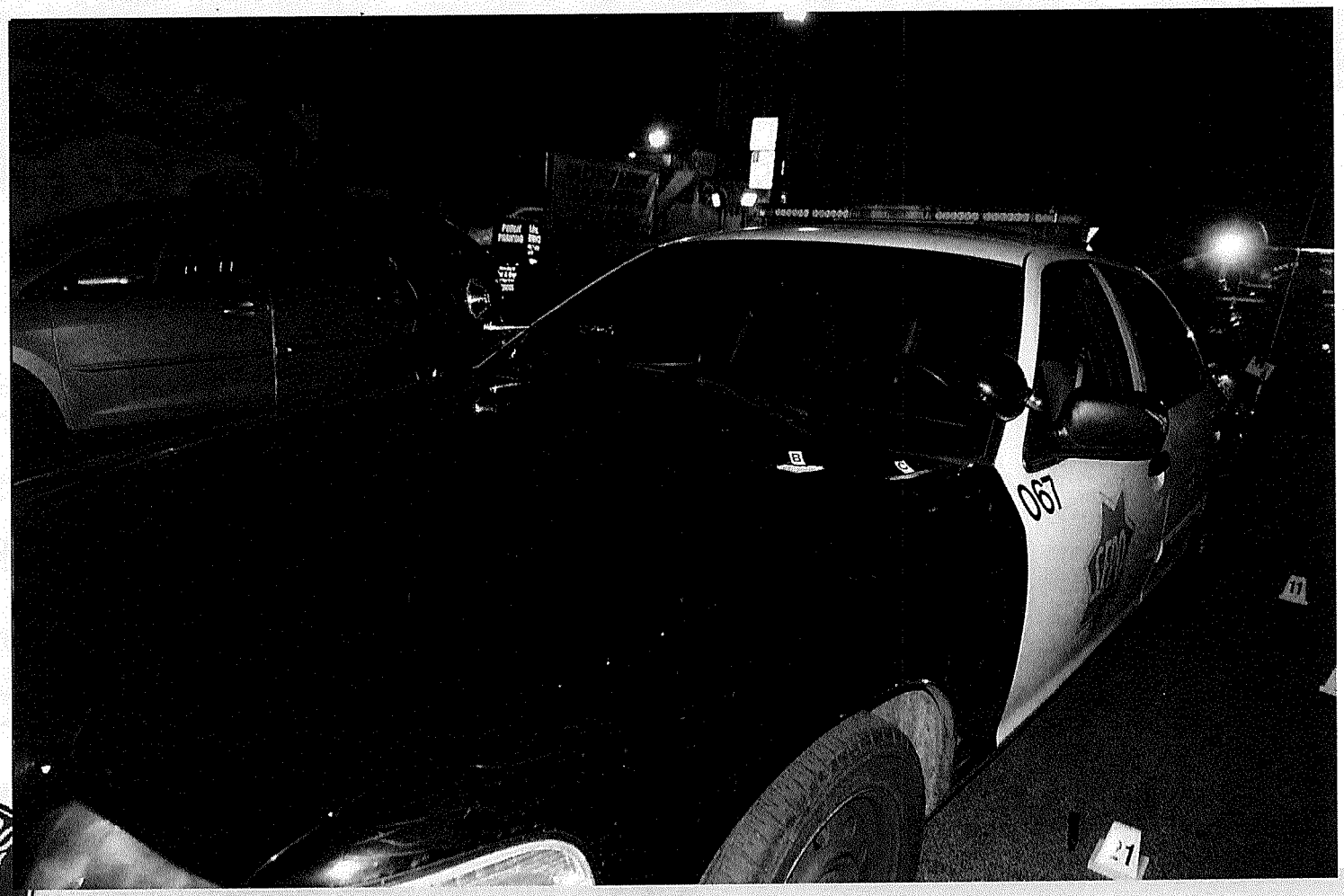
Post-Discharge Officer Debriefings

The involved officers were placed on administrative assignment. All involved officers satisfactorily completed the following post-discharge debriefings:

- Critical Incident Debrief by the Behavioral Science Unit on Monday, March 12, 2018.
- Modified Force Options Debrief by Force Options instructors at the San Francisco Police Academy on Monday, March 12, 2018.
- Post-Discharge Firearm Debrief by Range Staff at the Lake Merced Range on Tuesday, March 13, 2018.

SFDPA - 0097-18 - 002303

Photos from Scene



Confidential Peace Officer Personnel Record

Following the Discharge

- Delgado-Duarte was fatally struck.
- [redacted] began yelled from inside the car; she was not struck.
- Officers moved up and searched the vehicle. They rendered aid to Delgado-Duarte and took [redacted] into custody.
- SFFD paramedics pronounced Delgado-Duarte dead at the scene.
- Criminal and administrative investigations were initiated.

SFDPA - 0097-18 - 002305

Shots Fired

- Delgado-Duarte refused repeated orders to show his left hand; he appeared to be reaching toward the back of the trunk with that hand.
- In order to get Delgado-Duarte to comply, a less-lethal option (ERIW) was deployed. It struck Delgado-Duarte, but had little effect.
- Delgado-Duarte made an utterance and drew his 9mm handgun with his left hand.
- Delgado-Duarte fired at the officers, striking a patrol vehicle.
- Ten officers at the scene simultaneously returned fire, discharging a total of 99 rounds.

SFDPA - 0097-18 - 002306

Police Contact Robbery Suspects

- Additional units arrived on scene; officers then conducted a felony stop.
- [redacted] submitted to the officers commands and was taken into custody without further incident.
- [redacted] attempted to conceal herself inside the car.
- Delgado-Duarte remained in the trunk and refused to comply with commands to submit to the officers.
- Officers attempted to isolate and contain Delgado-Duarte; establish a buffer zone; obtain resources; engage in communication; and tactically position themselves.
- Officers used a PA to broadcast commands in English and Spanish.

SFDPA - 0097-18 - 002307

3D13E Encounters Robbery Victim

- At this time, 3D13E (Officers Castinelli and Tupper) was patrolling northbound on Capp Street.
- At the intersection with 21st Street, the officers were waved down by the victim and witnesses, yelling "pistola" and pointing south on Capp Street. The officers saw Delgado-Duarte running toward [redacted] vehicle.
- The officers activated their red lights, broadcast an emergency (Code 33), and reported a man possibly armed with a gun, running on Capp Street.
- As they closed in on [redacted] vehicle, Delgado-Duarte was climbing into the open trunk.
- [redacted] drove south, before stopping across from 631 Capp Street.



SFDPA - 0097-18 - 002308

Robbery at Gunpoint

- [redacted], driving a black 2017 Honda Civic, dropped off Delgado-Duarte near 631 Capp Street, south of the intersection with 21st Street.
- [redacted] canted the rear of his vehicle toward the sidewalk, opened the trunk, and returned to the driver's seat.
- Delgado-Duarte, armed with a 9mm, headed north on foot, on the west sidewalk of Capp Street.
- Delagado-Duarte then robbed a victim, at gunpoint, of a cellphone near the intersection of 21st and Capp Streets.



SFDPA - 0097-18 - 002309

Additional Subjects

[redacted] (Driver)

- DOB: [redacted]
- SFNO: [redacted]
- Race/Sex: H/M
- Ht./Wt. [redacted]
- Address: [redacted]
- Charges:
  - Booked 211, 664/211, and 182 PC
  - Charges re-filed by DA

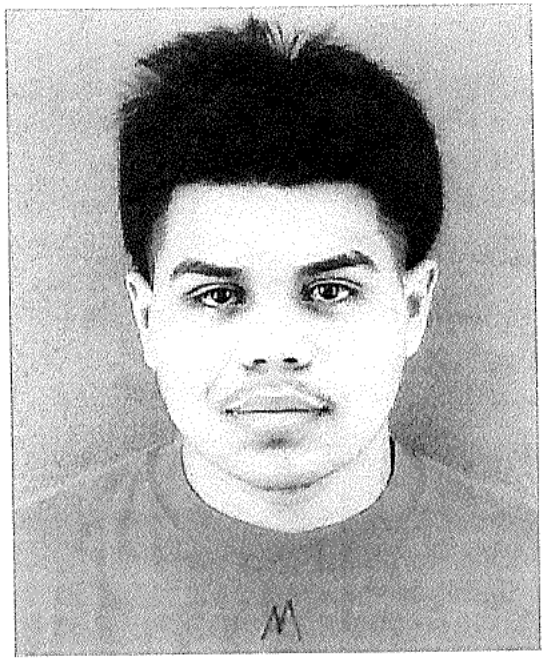
[redacted] (Front Passenger)

- DOB: [redacted]
- SFNO: [redacted]
- Race/Sex: H/F
- Ht./Wt. [redacted]
- Address: [redacted]
- Charges:
  - Booked 211, 664/211, and 182 PC
  - Charges dismissed by DA



SFDPA - 0097-18 - 002310

Suspect: Jesus Delgardo-Duarte



- DOB: 12/25/1998
- SFNO: [redacted]
- Race/Sex: H/M
- Ht./Wt. 5'5"/145 pounds
- Address: [redacted]
- Criminal History:
  - [redacted]

SAN FRANCISCO POLICE
ORO EN PAZ FIERRO EN GUERRA

Confidential Peace Officer Personnel Record

Involved Member

[redacted]

- Officer: **Joshua Tupper #4115**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D13E**
- Uniform: **Class B**
- Shift: **2100-0700 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002312

Involved Member

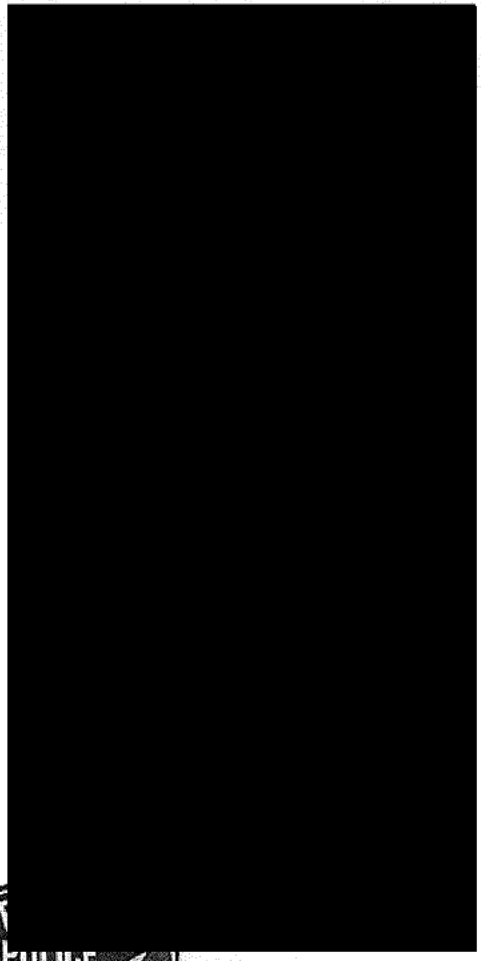
[redacted]

- Officer: **Ari Smith-Russack #4132**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D14D**
- Uniform: **Class B**
- Shift: **1600-0200 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002313

Involved Member



- Officer: **Colby Smets #253**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D13D**
- Uniform: **Class B**
- Shift: **1600-0200 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002314

Involved Member

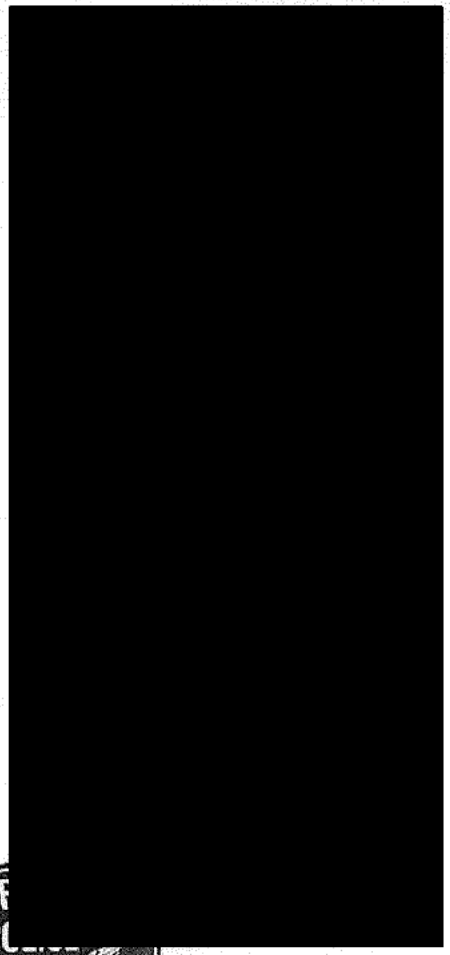
[redacted]

- Officer: **Sean O'Rourke #2214**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D14E**
- Uniform: **Class B**
- Shift: **2100-0700 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002315

Involved Member



- Officer: **Nicholas Nagai #2017**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D41D**
- Uniform: **Class B**
- Shift: **1500-0100 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002316

Involved Member

[redacted]

- Officer: **John Ishida #2035**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D91**
- Uniform: **Class B**
- Shift: **2100-0700 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002317

Involved Member

[redacted]

- Officer: **Juan Gustillo #1469**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D15D**
- Uniform: **Class B**
- Shift: **1600-0200 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002318

Involved Member

[redacted]

- Officer: **Loren Chiu #1306**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D13E**
- Uniform: **Class B**
- Shift: **2100-0700 hours**

Confidential Peace Officer Personnel Record

Involved Member

[redacted]

- Officer: **Stephen Casssinelli #1104**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D13E**
- Uniform: **Class B**
- Shift: **2100-0700 hours**

Confidential Peace Officer Personnel Record

Involved Member

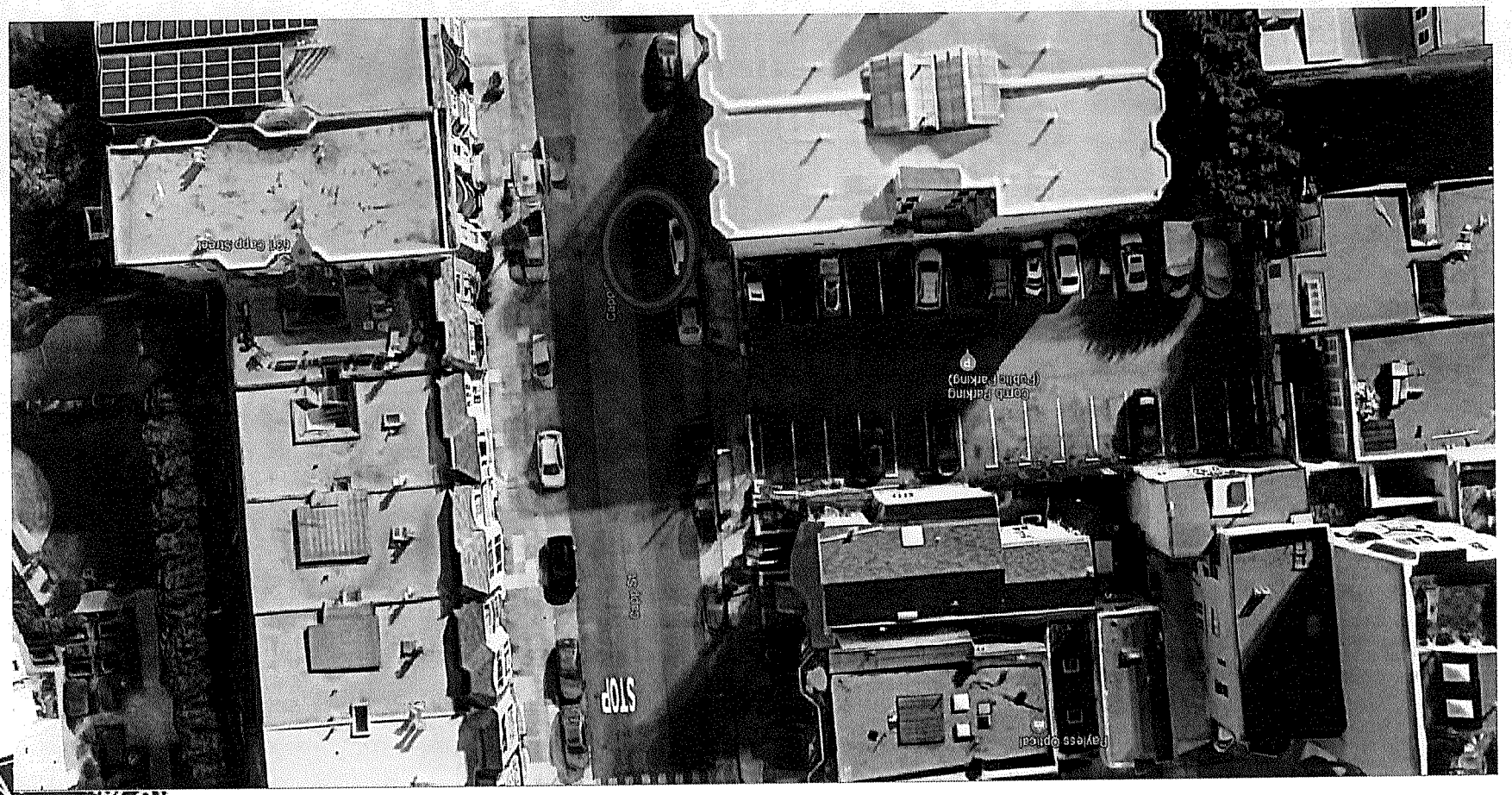
[redacted]

- Officer: **Corbyn Carroll #987**
- Date of Hire: [redacted]
- Assignment: **Mission Station**
- Unit Call sign: **3D14D**
- Uniform: **Class B**
- Shift: **1600-0200 hours**

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002321

Location Overview



Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002322

Incident Summary

- DATE: **Tuesday, March 6th, 2018**
- TIME: **22:42 hours**
- LOCATION: **262 Capp Street**
- INCIDENT: [redacted]
- CAD: [redacted]

Confidential Peace Officer Personnel Record

Return to Duty Presentation

- The purpose of this presentation is to provide foundational information for the Chief's Return to Duty decision.

- There are open criminal and administrative investigations regarding this incident.



Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002324

San Francisco Police Commission

Return to Duty Presentation:

OIS [redacted]

Confidential

Confidential Peace Officer Personnel Record

SFDPA - 0097-18 - 002325

FILE COPY

Memorandum

San Francisco Police Department

		APPROVED	YES	NO
To:	William Scott [redacted] Chief of Police			
		WS	☑	☐
From:	Deputy Chief Robert Moser Administration Bureau [redacted]		☐	☐
			☐	☐
Date:	Wednesday, March 14, 2018			

Subject: Return to Duty Panel for OIS [redacted]

Officer Involved Shooting (OIS [redacted] 21st and Capp Street (Incident # [redacted]) occurred on Tuesday March 6th, 2018. The following Officers were involved in the OIS: Officers Corbyn Carrol #987, Colby Smets #253, Sean O'Rourke #2214, Loren Chiu #1306, Juan Gustillo #1469, Nicholas Nagai # 2017, Ari Smith-Russack #4132, Stephen Cassinelli #1104, Joshua Tupper #4115 and John Ishida #2035. All officers are currently assigned to Mission Station.

On Tuesday March 13th, 2018 at 10:00 hours, pursuant to Department General Order 8.11.II.G.4, the Return to Duty Panel convened to discuss whether it is appropriate for the involved officers to return to duty.

The panel was comprised of the following:

- Deputy Chief Robert Moser (Chair) – Administration Bureau
- Deputy Chief Michael Redmond- Field Operations Bureau
- Commander Ann Mannix – Operations Bureau/Golden Gate Division
- Commander Daniel Perea- Operations Bureau/Metro Division
- Captain Joseph McFadden- Commander Investigations
- Captain Curtis Lum– Chief of Staff / Risk Management Office
- Captain Valerie Matthews- Operations Bureau / Major Crimes Unit
- Captain Nicholas Rainsford- Administration Bureau-Staff Services Division
- Captain Gaetano Caltagirone- Mission Station
- Lieutenant Edward Yu – Investigations Division / Homicide Detail

Also present were Sergeants Martin Bandvik and Barry Parker of the Homicide Division, Lieutenant R. Andrew Cox and Sergeant Paul Ospital of the Internal Affairs Division, Sergeant Maura Pengel of the Behavioral Science Unit and Sergeant Joseph Minner of the Administration Bureau.

FILE COPY

The panel considered a briefing by Lieutenant Edward Yu, of the Homicide Detail, regarding the preliminary criminal findings as presently established by the Homicide investigation.

Sergeant Pengel of the Behavioral Science Unit (BSU) advised that all the officers had attended a debriefing and BSU had no reservations about any of the officers returning to patrol duties.

Sergeant Ospital speaking for the Internal Affairs Division reported that all the involved Officers satisfactorily completed the IAD-recommended Force Options debriefing on March 12th, 2018. Sgt. Ospital also reported that the all involved officers had satisfactorily completed their Range qualifications on March 13th, 2018.

Upon hearing the updates, the Return to Duty panel voted unanimously to recommend to you that all of the Officers return to their regular field assignments. Considerations supporting this recommendation include:

- Lieutenant Yu reported that Homicide investigators indicated that body worn camera as well as other video evidence had been reviewed and is consistent with officers' and witness statements.

- Sergeant Pengel reported that all of the involved Officers have indicated a readiness to return to their regular patrol duty. All of the Officers satisfactorily completed a post OIS CIRT de-brief with BSU that took place on March 12th, 2018.

Your decision whether or not to return the officers to their regular field assignment is scheduled for presentation to the Police Commission in closed session on Wednesday, March 21st, 2018.

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
HEADQUARTERS
1245 3RD STREET
SAN FRANCISCO, CALIFORNIA 94158

WILLIAM SCOTT
CHIEF OF POLICE

March 14th, 2018

Julius Turman, President
San Francisco Police Commission
City and County of San Francisco
1245 3RD Street, Floor 6 West
San Francisco, CA 94158

FILE COPY

Re: Decision whether to return Officers Corbyn Carrol #987, Colby Smets #253, Sean O'Rourke #2214, Loren Chiu #1306, Juan Gustillo #1469, Nicholas Nagai # 2017, Ari Smith-Russack #4132, Stephen Cassinelli #1104, Joshua Tupper #4115 and John Ishida #2035 to duty following their involvement in Officer Involved Shooting #18-002.

Dear President Turman:

Officer Involved Shooting (OIS) [redacted], 21st and Capp Streets (Incident #[redacted]) occurred on Tuesday March 6th, 2018. The following Officers were involved in the OIS: Officers Corbyn Carrol #987, Colby Smets #253, Sean O'Rourke #2214, Loren Chiu #1306, Juan Gustillo #1469, Nicholas Nagai # 2017, Ari Smith-Russack #4132, Stephen Cassinelli #1104, Joshua Tupper #4115 and John Ishida #2035. All of the involved officers are currently assigned to Mission Station.

On 03/13/2018 at 1000 hours, pursuant to Department General Order 8.11.II.G.4, a Return to Duty Panel convened to discuss whether it is appropriate for the involved officer to return to regular duty. The panel was comprised of the following:

- Deputy Chief Robert Moser (Chair) – Administration Bureau
- Deputy Chief Michael Redmond- Field Operations Bureau
- Commander Ann Mannix – Operations Bureau/Golden Gate Division
- Commander Daniel Perea- Operations Bureau/Metro Division
- Captain Joseph McFadden- Commander Investigations
- Captain Curtis Lum– Chief of Staff / Risk Management Office
- Captain Valerie Matthews- Operations Bureau / Major Crimes Unit
- Captain Nicholas Rainsford- Administration Bureau-Staff Services Division
- Captain Gaetano Caltagirone- Mission Station
- Lieutenant Edward Yu – Investigations Division / Homicide Detail

SFDPA - 0097-18 - 002328

Also present were Sergeants Martin Bandvik and Barry Parker of the Homicide Division, Lieutenant R. Andrew Cox and Sergeant Paul Ospital of the Internal Affairs Division, Sergeant Maura Pengel of the Behavioral Science Unit and Sergeant Joseph Minner of the Administration Bureau.

The panel called upon the following disciplines to summarily report on mandatory debriefings and factors that are taken into consideration when determining whether to return the officer to duty.

FILE COPY

Homicide Detail: The panel considered a briefing by Lieutenant Yu, of the Homicide Detail, regarding the preliminary criminal findings as presently established by the Homicide investigation. Lieutenant Yu reported that Homicide investigators indicated that video, including BWC video and civilian captured video and other evidence from the scene had been reviewed, and this evidence corroborates officers' and witnesses' statements. The facts of the incident as presently established present no issue that would preclude any of the involved officers from returning to duty. No objection to any of the officer's Returning to Duty was raised by the representative(s) from the Homicide Detail.

Internal Affairs Division: Sergeant Ospital speaking for the Internal Affairs Division reported that all the involved Officers satisfactorily completed the post-OIS Force Options debriefing at the Academy on March 12th, 2018. He also reported that all of the involved Officers satisfactorily completed their Post-OIS Firearms Debriefing on March 13th, 2018 at the SFO range. A confidential administrative investigation has been initiated and is ongoing. The facts of the case as presently established at this time present no issue that would preclude these officers from returning to duty. No objection to any of the officers Return to Duty was raised by the representative(s) from the Internal Affairs Division.

Behavioral Science Unit: Sergeant Pengel reported that all involved Officers attended a mandatory Critical Incident Stress Debriefing facilitated by a licensed clinician on March 12th, 2018 and are in compliance with Department General Order 8.04. All of the Officers indicated their willingness to return to regular patrol duties. No objection to the officer's Returning to Duty was raised by the representative from the Behavioral Science Unit.

After reviewing the preliminary facts of the incident as determined by the criminal investigation, discussion of this incident, and consideration of the input from the criminal investigative, internal investigative, training and behavioral/health disciplines, the Return to Duty panel voted unanimously to recommend to me that all of the involved Officers be returned to their regular assignments.

I concur with the finding of the panel and support their decision to return the involved Officers to regular patrol duties. My decision to return these Officers to duty, including the aforementioned findings and results of the mandatory debriefings and other factors supporting the decision, is scheduled for presentation to the Police Commission in closed session on Wednesday, March 21st, 2018. I look forward to discussing my decision with you at this Police Commission meeting.

Sincerely,

FILE COPY

[redacted]

WILLIAM SCOTT
Chief of Police

cc: Executive Director Paul Henderson, Department of Police Accountability

* STATE OF MIND

3-8-18 1456

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- HEARD CODE 33 211/221

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CODE 1

SFPD-H 000234

SGT. MARTIN BANDVIK #479
San Francisco Police Department
Homicide Detail

SFDPA - 0097-18 - 002332

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
AMER	**American Sign Language**						
AMER	Herrold,Robert C	1348	[redacted]	Q 2	ACAD	N	
AMER	Montero,Michael J	1409		Q 2	NARC	N	
AMER	Newman,John D	1481		Q 60	PARK	N	
AMER	Northridge,Jennifer L	1156		Q 2	PARK	N	
ARAB	**Arabic**						
ARAB	Haskell,Steven G	1236	[redacted]	Q 50	SOUT	N	
BASQ	**Basque**						
BASQ	Etcheveste,Jean L	1847	[redacted]	Q 2	AFOB	N	
BASQ	Jaimerena,John P	922		Q 60	GTF	N	
BASQ	Ospital,Paul	121		Q 2	TACT	N	
CAMB	**Cambodian**						
CAMB	Chea,Sophal R	41	[redacted]	Q 2	DOC	N	
CANT	**Chinese (Cantonese)**						
CANT	Chan,Charles C	1886	[redacted]	Q 2	CENT	Y	06/16/92
CANT	Chan,Kenny K	4522		CIV	AIRP	Y	02/21/13
CANT	Chan,Marc H	1439		Q 50	IAD	Y	01/30/15
CANT	Chan,Rodney	1399		Q 50	SVU	Y	06/27/07
CANT	Chan,Samson	1323		Q 35	GTF	Y	06/27/07
CANT	Chen,Shiaofang F			CIV	STAF	Y	12/04/15
CANT	Cheng,April E			CIV	PARK	Y	02/21/13
CANT	Cheng,Gary	2311		Q 2	PARK	Y	05/16/14
CANT	Cheng,Jeffrey	4765		CIV	AIRP	Y	05/16/14
CANT	Cheung,Bobby C	208		Q 50	AFOB	Y	06/27/07
CANT	Cheung,Sandon K	1089		Q 2	NORT	Y	06/19/08
CANT	Chew,Robert W	1872		Q 2	TARA	Y	06/16/92
CANT	Chew,Silvia	4691		CIV	CENT	Y	02/26/13
CANT	Chiu,Cliff	848		Q 2	SOUT	N	
CANT	Chow,Celina Wing Yue	1038		Q 2	RICH	Y	12/04/15
CANT	Chu,Howard	363		Q 2	CENT	Y	06/16/92
CANT	Chu,Thomas M	4200		Q 2	TARA	Y	06/27/07
CANT	Dang,David			CIV	DOC	Y	09/01/12
CANT	Dear,Roland B	855		Q 2	AFOB	N	
CANT	Der,Susie	4265		Q 2	INGL	Y	06/19/08
CANT	Fok,Peggy			CIV	CIS	Y	01/07/04
CANT	Fong,Byron K	258		Q 2	TECH	Y	06/16/92
CANT	Fong,Daryl S	1552		Q 60	SID	N	
CANT	Fong,Kathy L	731		Q 2	CHIE	Y	11/19/09
CANT	Fung,Robert B	2159		Q 2	TACT	Y	05/30/96
CANT	Fung,Samuel	42		Q 2	CSI	Y	06/27/07
CANT	Guo,Danny	1580		Q 2	CENT	Y	12/04/15
CANT	Guo,Willis M	4635		CIV	AIRP	Y	02/21/13
CANT	Ho,Francisco	49		Q 50	INGL	Y	06/27/07
CANT	Hom,Jordan K			0960	PROP	N	
CANT	Huang,Edmund T.	2448		Q 2	CENT	Y	02/26/13
CANT	Hui,Jason	1064		Q 50	SVU	Y	01/30/15
CANT	Hui,Victor	1370		Q 50	SOUT	Y	06/27/07
CANT	Hurley,Carla Lee	1583		Q 50	POTR	Y	06/27/07
CANT	Huynh,Lynn K.	4820		CIV	AIRP	Y	10/12/07
CANT	Jew,Matthew K.	4341		Q 2	PARK	Y	05/16/14

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
CANT	Jiang,Helen		[redacted]	CIV	INGL	Y	02/26/13
CANT	Kwan,Alexander Y	1539		Q 50	TARA	Y	01/30/15
CANT	Kwan,Fred	2016		Q 2	TARA	Y	05/30/96
CANT	Kwan,Patrick	978		Q 50	TACT	Y	06/16/92
CANT	Lai,Dennis Z	985		Q 50	PARK	Y	06/19/08
CANT	Lai,Jason L.	1512		Q 2	PROP	Y	02/26/13
CANT	Lam,Virginia	4519		CIV	AIRP	Y	11/19/09
CANT	Lau,Jason S	4675		CIV	AIRP	Y	02/21/13
CANT	Lau,Michael	990		Q 50	AFOB	Y	06/18/92
CANT	Lau,Russell	4583		CIV	AIRP	Y	02/21/13
CANT	Law,Peter Y.M.	4752		CIV	AIRP	Y	02/26/13
CANT	Lee,Edwin D	1128		Q 2	PARK	Y	11/19/09
CANT	Lee,Harry K	4221		Q 50	RICH	Y	01/30/15
CANT	Lee,Kevin	266		Q 50	RICH	Y	06/27/07
CANT	Lee,Kevin A	824		Q 2	MUNI	Y	06/27/07
CANT	Lee,Kin Yau King	522		Q 50	CHIE	Y	11/19/09
CANT	Lee,Michael S	1169		Q 2	TEND	Y	06/27/07
CANT	Lee,Raymond K	469		Q 2	MISS	N	
CANT	Lee,Stanley K	2208		Q 0	ACAD	N	
CANT	Lee,Steven Y	1057		Q 2	MTA	N	
CANT	Lee,Thomas J	1838		Q 50	SVU	Y	02/26/13
CANT	Lee,Walter C	4683		CIV	AIRP	Y	02/21/13
CANT	Leong,John	228		Q 2	AFOB	Y	06/27/07
CANT	Leong,Kirk H	1790		Q 2	DOC	Y	05/30/96
CANT	Leung,Wendy Y			CIV	PROF	Y	02/21/13
CANT	Lew,Calvin K	1777		Q 2	AFOB	Y	01/30/15
CANT	Lew,Lloyd	1343		Q 38	IAD	Y	01/30/15
CANT	Lew,Vinnie S			CIV	CHIE	Y	02/21/13
CANT	Liang,Derrick	1889		Q 2	PARK	Y	06/19/08
CANT	Lieu,Albert K	1632		Q 2	SID	N	
CANT	Lim,Oliver N	2001		Q 2	INGL	Y	12/21/13
CANT	Lock,Raymond L	1369		Q 50	AFOB	Y	02/04/15
CANT	Luk,Raymond W	1063		Q 38	TEND	Y	06/16/92
CANT	Lum,Elizabeth G.F.	4576		CIV	AIRP	Y	02/21/13
CANT	Luo,Fay b			CIV	CIS	Y	02/21/13
CANT	Ma,Karl M	1653		Q 2	CHIE	Y	06/27/07
CANT	Mark,Tedman	1785		Q 2	MUNI	Y	02/04/15
CANT	Ng,Lily S	4090		Q 2	ADMN	Y	12/03/99
CANT	Ng,Serena S	4577		CIV	AIRP	Y	02/21/13
CANT	Ng,Stewart B	1055		Q 0	ACAD	Y	06/16/92
CANT	Ng,Tony S	288		Q 50	ADMN	Y	02/04/15
CANT	Ng,Walter	4587		CIV	AIRP	Y	02/21/13
CANT	Ng,Wilson	1281		Q 2	CHIE	Y	11/19/09
CANT	On,David M	639		Q 2	CENT	Y	02/04/15
CANT	Poon,Angel L	1904		Q 2	AFOB	Y	05/30/96
CANT	Seto,Winson A	2370		Q 2	FOB	Y	11/19/09
CANT	Szeto,Frankie	4584		CIV	AIRP	Y	02/21/13
CANT	Tam,Conroy H	138		Q 50	NIGH	Y	02/26/13
CANT	Tang,Talent	877		Q 2	POTR	Y	12/04/15
CANT	To,Phung N.	4693		CIV	RICH	Y	11/19/09
CANT	Tom,Garret N	1521		0400	SOB	N	
CANT	Tom,Siu N	4186		Q 2	AFOB	Y	02/04/15
CANT	Tong,Jonathan S	1786		Q 2	AFOB	N	
CANT	Tran,Gary V.	4755		CIV	AIRP	Y	02/21/13

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
CANT	Tsang,Travis K	4625	[redacted]	CIV	AIRP	Y	02/21/13
CANT	Tso,Kelvin K	602	[redacted]	Q 2	TACT	Y	06/16/92
CANT	Vong,Johnny C	1210	[redacted]	Q 2	INGL	Y	12/10/09
CANT	Wong,Alfred K	816	[redacted]	Q 2	AFOB	Y	02/04/15
CANT	Wong,Charles S	4174	[redacted]	Q 2	AFOB	Y	02/26/13
CANT	Wong,Darren K	1917	[redacted]	Q 2	TARA	Y	06/27/07
CANT	Wong,Fitzgerald	1945	[redacted]	Q 50	CENT	Y	06/16/92
CANT	Wong,Jones K		[redacted]	0960	IAD	Y	06/16/92
CANT	Woo,Henry	1556	[redacted]	Q 50	CENT	Y	02/04/15
CANT	Woon,Christopher	1852	[redacted]	Q 60	LEGA	Y	05/30/96
CANT	Wu,Bill S		[redacted]	CIV	AIRP	Y	02/26/13
CANT	Wu,Eddie S	18	[redacted]	Q 2	RICH	Y	02/04/15
CANT	Xi,Johnny		[redacted]	CIV	CIS	Y	02/26/13
CANT	Yee,Timothy J	1048	[redacted]	Q 2	RICH	N	
CANT	Yep,Paul Y	95	[redacted]	Q 60	ACAD	Y	12/03/99
CANT	Yu,Edward T	2248	[redacted]	Q 60	NIGH	Y	06/16/92
CANT	Yu,Nelson	1010	[redacted]	Q 2	AFOB	Y	06/19/08
CANT	Yuen,Sam W	380	[redacted]	Q 2	CENT	Y	02/04/15
CANT	Zhang,Michael Y	4236	[redacted]	Q 50	SID	Y	05/16/14
CANT	Zhao,Allen C	488	[redacted]	Q 2	INGL	Y	12/04/15
CANT	Zheng,Tate	4761	[redacted]	CIV	SVU	Y	02/26/13
CANT	Zhou,Tracy Y.	4697	[redacted]	CIV	CENT	Y	12/10/09
DANI	**Danish**						
DANI	Boes,Tracy C	1470	[redacted]	Q 50	NIGH	N	
FIJI	**Fijian**						
FIJI	Kumar,Haris	4617	[redacted]	CIV	AIRP	N	
FREN	**French**						
FREN	Barber,James G	1517	[redacted]	Q 2	MISS	N	
FREN	Borges,Josephine N	1595	[redacted]	Q 50	RICH	N	
FREN	Esparza,Alberto	4150	[redacted]	Q 2	CHIE	N	
FREN	Rodatos,Alex C	4056	[redacted]	Q 50	TEND	N	
FREN	Rouede,Angela M	974	[redacted]	Q 2	TARA	N	
FREN	Shouldice,Ronan F	2054	[redacted]	0387	CSI	N	
FREN	Walker,Joann H	1590	[redacted]	Q 2	PARK	N	
GAEL	**Gaelic**						
GAEL	Black,Susan M		[redacted]	CIV	TEND	N	
GAEL	Dorgan,Dermot P	823	[redacted]	Q 50	SID	N	
GAEL	Shouldice,Ronan F	2054	[redacted]	0387	CSI	N	
GERM	**German**						
GERM	Bucy,Stephen R	410	[redacted]	Q 50	INGL	N	
GERM	Damonte,Christopher P	967	[redacted]	Q 2	MEDI	N	
GERM	Haskell,Steven G	1236	[redacted]	Q 50	SOUT	N	
GERM	Luedtke,Herman H	4019	[redacted]	Q 2	NORT	N	
GERM	Miranda,Walter R	1171	[redacted]	Q 2	MTA	N	
GERM	Schaefer,Chris D	76	[redacted]	Q 2	NORT	N	
GERM	Schiff,Frederick R	1969	[redacted]	Q 60	ADMN	N	
GERM	Sequeira,Ivan	1189	[redacted]	Q 2	ADMI	N	
GERM	Smalley,Stephen E	1885	[redacted]	Q 50	CIS	N	
GERM	Wolf,Michael W	1568	[redacted]	Q 2	AFOB	N	

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
GREE	**Greek**						
GREE	Rodatos,Alex C	4056	[redacted]	Q 50	TEND	N	
GREE	Sawyer,Georgia A	1565	[redacted]	Q 60	TEND	N	
GREE	Zografos,Dino	1139	[redacted]	Q 2	TACT	N	
GUJR	**Gujrati**						
GUJR	Shastri,Sanjay S	1879	[redacted]	Q 2	AFOB	N	
HIND	**Hindi**						
HIND	Conradd,Afrozan	4537	[redacted]	CIV	AIRP	N	
HIND	Dharmani,Laxman S	225	[redacted]	Q 50	CHIE	N	
HIND	Kumar,Haris	4617	[redacted]	CIV	AIRP	N	
HIND	Shastri,Sanjay S	1879	[redacted]	Q 2	AFOB	N	
HIND	Singh,Ajay R	1115	[redacted]	Q 50	INGL	N	
HIND	Vella,Kamini K		[redacted]	CIV	CIS	N	
ILON	**Ilonggo**						
ILON	Ciudad,Albern R	214	[redacted]	Q 2	CENT	N	
ITAL	**Italian**						
ITAL	Amoroso,Michael J	606	[redacted]	Q 2	CENT	N	
ITAL	Caltagirone,Gaetano	872	[redacted]	Q 60	TEND	N	
ITAL	Fabiani,Martha D	421	[redacted]	Q 0	ACAD	N	
ITAL	Ferrando,Ernest A		[redacted]	0960	STAF	N	
ITAL	Festa,Giuseppe	1685	[redacted]	Q 2	DOC	N	
ITAL	Manfreda,Anthony L	1479	[redacted]	Q 50	NORT	N	
ITAL	Marino,Mario A	2079	[redacted]	Q 2	TEND	N	
ITAL	Pierucci,Gianrico C	1604	[redacted]	Q 38	HOMI	N	
ITAL	Spagnoli,Angelo J	1704	[redacted]	Q 50	ACAD	N	
ITAL	Valentini,Eric A	1126	[redacted]	Q 2	CENT	N	
JAPA	**Japanese**						
JAPA	Callaway,Alan M	360	[redacted]	Q 50	PARK	N	
JAPA	Hicks,Sherry E	2227	[redacted]	Q 50	FOB	N	
JAPA	Kamita,David Y		[redacted]	0960	STAF	N	
JAPA	McCormick,Christine E.	461	[redacted]	Q 2	MEDI	N	
JAPA	Moriwaki,Keita E	1687	[redacted]	Q 2	AFOB	N	
JAPA	Nakasu,David T	757	[redacted]	Q 2	NARC	N	
JAPA	Shields,Peter N	1924	[redacted]	Q 50	SID	N	
JAPA	Tanaka,Charles K	1340	[redacted]	Q 2	RICH	N	
JAPA	Yamaguchi,Tadao T	1973	[redacted]	Q 50	CHIE	N	
KORE	**Korean**						
KORE	Hyun,Jamie J	811	[redacted]	Q 50	IAD	N	
KORE	Im,Mark Y	2096	[redacted]	Q 60	FTO	N	
KORE	Kim,Ja Han E	2022	[redacted]	Q 60	POTR	N	
KORE	Kim,Richard J	1209	[redacted]	Q 2	AFOB	N	
KORE	Kim,Simon Y	4171	[redacted]	Q 50	PARK	N	
KORE	Pak,Gregory M	1554	[redacted]	Q 2	CHIE	N	
KORE	Vanderbilt,Arlin J	1776	[redacted]	Q 50	CENT	N	
LAOT	**Laotian**						
LAOT	Wibunsin,Michael K	2052	[redacted]	Q 50	DOC	N	

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
MAND	**Chinese (Mandarin)**						
MAND	Chen,Shiaofang F		[redacted]	CIV	STAF	Y	12/04/15
MAND	Chou,Chien-Ping	2257		Q 50	INGL	Y	11/19/09
MAND	Chui,Daniel W	840		Q 2	AFOB	Y	01/30/15
MAND	Jiang,Helen			CIV	INGL	Y	02/26/13
MAND	Lai,Dennis Z	985		Q 50	PARK	Y	06/19/08
MAND	Lee,Albert N	2171		Q 50	RICH	Y	06/16/92
MAND	Lee,Stanley K	2208		Q 0	ACAD	N	
MAND	Lee,Walter C	4683		CIV	AIRP	Y	02/21/13
MAND	Leung,Wendy Y			CIV	PROF	Y	02/21/13
MAND	Lim,Oliver N	2001		Q 2	INGL	Y	02/21/13
MAND	Lu,Roger	1831		Q 2	AFOB	N	
MAND	Lum,Elizabeth G.F.	4576		CIV	AIRP	Y	02/21/13
MAND	Luo,Fay b			CIV	CIS	Y	02/21/13
MAND	Ng,Alpha S	4129		Q 2	AFOB	N	
MAND	Ng,Julian W	338		Q 60	TACT	Y	02/04/15
MAND	Phung,Vincent T	4620		CIV	AIRP	N	
MAND	Tang,Talent	877		Q 2	POTR	Y	12/04/15
MAND	Thieu,Felix T	1463		Q 38	SID	Y	06/16/92
MAND	Tjia,Frank	1755		Q 2	SOUT	N	
MAND	Uang,Steven H	1299		Q 2	CENT	Y	06/27/07
MAND	Wu,Eddie S	18		Q 2	RICH	N	
MAND	Xiao,Shao-Ling			CIV	TARA	N	
MAND	Xu,Jennifer	4621		CIV	AIRP	Y	02/26/13
MAND	Yee,Alvin D	1980		Q 60	HSU	Y	06/16/92
MAND	Yin,Dominic D	1778		Q 60	AIRP	Y	02/04/15
MAND	Yin,Kirk D	4109		Q 60	HSU	Y	06/27/07
MAND	Young,Wayman W	100		Q 50	CENT	Y	02/26/13
MAND	Zeng,Jenny			CIV	STAF	N	
MAND	Zhou,Tracy Y.	4697		CIV	CENT	Y	12/10/09
POLI	**Polish**						
POLI	Olkiewicz,Michal K	443	[redacted]	Q 2	MTA	N	
PORT	**Portuguese**						
PORT	Chin,Sergio K	847	[redacted]	Q 60	SOUT	N	
PORT	Sullivan,Victoria M	571		Q 50	NORT	N	
RUSS	**Russian**						
RUSS	Alexander,Anna	761	[redacted]	Q 2	RICH	Y	12/04/09
RUSS	Antonian,Tigran	2109		Q 50	NORT	Y	12/04/09
RUSS	Bratchikov,Stanislav K.	654		Q 2	PARK	Y	05/20/14
RUSS	Faynshteyn,Ilya	4332		Q 2	RICH	Y	05/20/14
RUSS	Gasanyan,Feliks R	4224		Q 50	POTR	Y	01/28/08
RUSS	Ivanov,Kostyantyn	4283		Q 2	RICH	Y	05/20/14
RUSS	Khmarskiy,Pavel	1382		Q 2	CENT	Y	05/20/14
RUSS	Kofman,Andrew	1686		Q 2	TACT	Y	01/28/08
RUSS	Shablinskiy,Yaroslav V.	2262		Q 2	POTR	Y	12/04/09
RUSS	Teper,Ellina	1754		Q 2	POTR	Y	01/28/08
RUSS	Zeltser,Edward	2297		Q 2	POTR	Y	05/20/14
SAMO	**Samoan**						
SAMO	Tuimavave,Maina	685	[redacted]	Q 2	NORT	N	

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Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
SPAN	**Spanish**						
SPAN	Abaunza,Alvaro Antonio	4239	[redacted]	Q 2	PARK	Y	05/15/14
SPAN	Alcaraz,Gabriel	590		Q 2	POTR	N	
SPAN	Aleman,Arnaldo A	778		Q 2	MEDI	N	
SPAN	Alvarado,Maria E	431		Q 2	CSI	Y	12/17/99
SPAN	Alvarado,Omar G	262		Q 2	NORT	Y	11/19/09
SPAN	Anaya,Edwin A	491		Q 2	TEND	Y	06/04/08
SPAN	Andaluz,Milton F	1851		Q 2	NARC	Y	06/16/92
SPAN	Anderson,Christopher J	516		Q 2	DOC	N	
SPAN	Apodaca,Michael A	303		Q 2	ADMN	Y	05/15/14
SPAN	Baca,Alane B	894		Q 2	AFOB	Y	02/25/15
SPAN	Bacolot,Stevie R	1077		Q 2	SOUT	N	
SPAN	Banegas,Milen S	963		Q 2	MISS	Y	06/04/08
SPAN	Barber,James G	1517		Q 2	MISS	N	
SPAN	Barcena,Oscar C	1715		Q 50	TARA	Y	02/25/15
SPAN	Barcena-Bosnich,Amalia	2255		Q 50	SVU	Y	02/26/15
SPAN	Barranco,Fernando E	2363		Q 2	POTR	Y	11/20/09
SPAN	Basker,Wayne	4718		CIV	AIRP	Y	05/13/14
SPAN	Beltran Jr,Ramon	4699		CIV	NORT	Y	02/27/13
SPAN	Bonilla Jr,Manuel	1093		Q 50	MUNI	Y	12/17/99
SPAN	Borges,Josephine N	1595		Q 50	RICH	N	
SPAN	Bozin,Kirk C	814		Q 2	ACAD	Y	02/27/15
SPAN	Brandt,Yesenia M	1670		Q 2	INGL	N	
SPAN	Cabillo,Joshua Nathan	1014		Q 2	MISS	Y	05/13/14
SPAN	Cahill,Elena	4128		Q 2	MEDI	N	
SPAN	Campos,Osvaldo	4260		Q 2	SOUT	Y	05/15/14
SPAN	Canales,Rolando J	223		Q 0	ACAD	Y	06/16/92
SPAN	Carcelen Jr,Oscar E	1926		Q 2	MEDI	Y	02/26/15
SPAN	Castaneda,Dolores R.	2111		Q 2	SOUT	Y	11/13/15
SPAN	Castaneda,Gustavo A	451		Q 2	MISS	Y	11/20/09
SPAN	Castillo,Eduardo A	1910		Q 2	NORT	N	
SPAN	Castro,Adriano E	845		Q 2	MTA	Y	02/26/15
SPAN	Chacon,Marina	638		Q 50	SID	Y	02/25/15
SPAN	Chicas,Francisco Mike	390		Q 2	PARK	Y	05/13/14
SPAN	Chin,Sergio K	847		Q 60	SOUT	N	
SPAN	Chirip,Jerry P	4612		CIV	AIRP	Y	05/13/14
SPAN	Clark,Joseph M.	4261		Q 2	MISS	Y	05/15/14
SPAN	Cole,Davin L	850		Q 50	MISS	Y	11/19/09
SPAN	Colin,Laura M	1855		Q 50	STAF	Y	05/13/14
SPAN	Conceicao,Marie-France	962		Q 2	INGL	Y	11/19/09
SPAN	Conway,John J	453		Q 50	TEND	Y	05/27/15
SPAN	Cordova,Carlos A	1132		Q 2	AFOB	Y	05/15/14
SPAN	Cortes,Alejandro	842		Q 50	GTF	Y	06/04/08
SPAN	Cortez Cendejas,Lorena	670		Q 2	SOUT	Y	11/13/15
SPAN	Coulter,Cameron L	2132		Q 2	PARK	Y	10/30/15
SPAN	Courtney,Troy J	1648		Q 2	CENT	N	
SPAN	Covarrubias,Martin R	1192		Q 2	SOUT	Y	02/25/15
SPAN	Cunningham,Marina A.	4748		CIV	AIRP	Y	05/13/14
SPAN	Dangerfield,Troy J	250		Q 60	CHIE	N	
SPAN	Daroza,Christopher A	1412		Q 2	AFOB	N	
SPAN	Daza,Dustin L	1475		Q 2	PARK	Y	06/04/08
SPAN	Dedet,Daniel	101		Q 60	SOUT	Y	06/16/92
SPAN	Deleon,Robert A	1874		Q 2	MEDI	Y	12/17/99

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Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
SPAN	Delgadillo,Mario J	758	[redacted]	Q 60	FOB	Y	06/16/92
SPAN	Delgado,Nicholas P.	2415		Q 2	ACAD	Y	11/13/15
SPAN	Dorantes,David J	2152		Q 50	NORT	Y	10/30/15
SPAN	Duarte,Alberto A	1433		Q 2	ACAD	N	
SPAN	Dunne,Amanda Y	1570		Q 2	TARA	Y	06/04/08
SPAN	Dunne,Christopher M	1775		Q 50	TEND	Y	02/19/13
SPAN	Dutra,Lori A	765		Q 2	MEDI	Y	02/27/15
SPAN	Elias,Raul E	593		Q 2	MTA	Y	06/27/07
SPAN	Elizondo,Javier	719		Q 2	INGL	Y	11/13/15
SPAN	Elliott,David O	2185		Q 60	RICH	Y	06/16/92
SPAN	Engler,Joseph W	239		Q 60	MTA	Y	02/26/15
SPAN	Escobar,Rolando A	1848		Q 2	TARA	N	
SPAN	Esparza,Alberto	4150		Q 2	CHIE	Y	02/27/15
SPAN	Espinoza,Henry	1449		Q 2	AIRP	Y	11/19/09
SPAN	Etcheber,Vincent	1821		Q 2	NORT	Y	05/30/96
SPAN	Fabela,Martin A.	723		Q 2	INGL	Y	11/13/15
SPAN	Fabiani,Martha D	421		Q 0	ACAD	Y	06/16/92
SPAN	Felix,Joelle R	2027		Q 2	MISS	Y	02/27/15
SPAN	Festa,Giuseppe	1685		Q 2	DOC	Y	02/26/15
SPAN	Fiorello,Jennifer G	2460		Q 2	SOUT	Y	11/19/09
SPAN	Flores,Mariano	727		Q 2	MISS	Y	11/13/15
SPAN	Franco,Cristina	1443		Q 50	IAD	Y	02/25/15
SPAN	Frias,David	965		Q 50	NORT	N	
SPAN	Gala,Juan C	950		Q 2	PROP	N	
SPAN	Galande,Ricardo L			0960	PROP	N	
SPAN	Garbayo,Joseph L	1004		Q 2	MUNI	Y	05/30/96
SPAN	Garcia Morales,Hector A	573		Q 2	MTA	Y	02/19/13
SPAN	Garcia,Maria E			CIV	SOB	Y	10/30/15
SPAN	Gomez,Dianne	4585		CIV	AIRP	Y	05/13/14
SPAN	Gonzalez,Edgar A	687		Q 2	SOUT	Y	06/16/92
SPAN	Gonzalez,Esther	896		Q 50	SVU	Y	06/04/08
SPAN	Gonzalez,Josue I.	748		Q 2	SOUT	Y	11/13/15
SPAN	Gonzalez,Miguel B	1876		Q 2	NORT	Y	06/04/08
SPAN	Gordon,Nelly E	914		Q 38	FOB	Y	12/17/99
SPAN	Guardado,Jose A	395		Q 2	MTA	N	
SPAN	Guerrero,Ricardo	1162		Q 2	TARA	N	
SPAN	Gutierrez,Carlos	1509		Q 60	MISS	Y	02/27/15
SPAN	Guzman,Daniel E	2066		Q 2	POTR	Y	06/27/07
SPAN	Guzman,Krystle Nicole	1415		Q 2	INGL	Y	06/27/07
SPAN	Hart,John M	596		Q 60	ACAD	Y	02/26/15
SPAN	Hernandez,Percy	1519		Q 2	POTR	Y	06/04/08
SPAN	Izaguirre,Romina A	4083		Q 50	LEGA	Y	02/25/15
SPAN	Jimenez,Jose	2075		Q 2	TACT	Y	05/30/96
SPAN	Juarez,Martha M	1800		Q 60	TARA	Y	05/30/96
SPAN	Kinglow,Annette Jay			CIV	ID	Y	05/13/14
SPAN	Koenig,Kenneth J	1266		Q 2	DOC	Y	02/27/15
SPAN	Lau,Scott C	1476		Q 50	GTF	N	
SPAN	Leiva,Fernando G	1682		Q 2	TARA	Y	02/27/13
SPAN	Leyva,Giovanny A.	2437		Q 2	ACAD	Y	11/13/15
SPAN	Linares,Ernesto A	1560		Q 2	TEND	Y	06/04/08
SPAN	Long,Stephanie M	128		Q 50	STAF	Y	02/27/15
SPAN	Lopez,Jose L	373		Q 2	MTA	Y	02/26/15
SPAN	Lopez,Sergio R	4111		Q 50	INGL	Y	02/25/15
SPAN	MacDonald,Monica E	1267		Q 50	SID	Y	06/27/07

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Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
SPAN	Macias,Jose J	1455	[redacted]	Q 2	RICH	Y	02/26/15
SPAN	Macilrath,Andrew G	666		Q 2	MEDI	N	
SPAN	Maguina,Zoila R	688		Q 2	AFOB	N	
SPAN	Manfredi,Carlos M	4193		Q 2	CHIE	Y	02/25/15
SPAN	Manning,Nicole L	1098		Q 50	SOB	Y	04/27/98
SPAN	Mariona,Sonia I	1625		Q 2	TACT	Y	06/16/92
SPAN	Marquez,Marcial A	232		Q 2	ACAD	Y	12/17/99
SPAN	Martinez,Eddieberto	4190		Q 2	POTR	Y	06/27/07
SPAN	Mayorga,Pierre A.	1657		Q 2	RICH	Y	10/30/15
SPAN	Mendieta,Raul A	808		Q 2	AFOB	Y	05/30/96
SPAN	Miranda,Walter R	1171		Q 2	MTA	N	
SPAN	Mitchell,Paget S	1558		Q 50	PARK	Y	02/19/13
SPAN	Molina,Mario A	1586		Q 60	STAF	Y	02/26/15
SPAN	Mora,Alvaro R	2349		Q 2	POTR	Y	11/20/09
SPAN	Morales,William A	1903		Q 60	NORT	Y	10/30/15
SPAN	Murray,William D	2154		Q 50	MTA	N	
SPAN	Mustafich,Carlos J	1774		Q 2	POTR	Y	02/27/15
SPAN	Nagai,Nicholas H.	2017		Q 2	INGL	Y	11/13/15
SPAN	Najarro,Herbert A	117		Q 2	INGL	Y	12/17/99
SPAN	Olan,Migdalia M			CIV	RICH	Y	07/07/94
SPAN	Oliva,Luis H	4131		Q 50	NIGH	Y	02/26/15
SPAN	Oropeza III,Jesse	205		Q 2	MEDI	Y	11/19/09
SPAN	Ortega,Glenn A	2226		Q 2	MTA	Y	02/25/15
SPAN	Ortiz,Jessie A	1131		Q 2	POTR	Y	06/04/08
SPAN	Ortiz,Raymond	4189		Q 2	CSI	Y	11/19/09
SPAN	Ossio,Pablo R	1724		Q 60	SOB	Y	06/16/92
SPAN	Ozol,Jonathan T	2358		Q 50	TARA	Y	11/19/09
SPAN	Padilla,Oscar A	4052		Q 2	ACAD	Y	02/27/15
SPAN	Pena,Jesus	476		Q 50	NORT	Y	02/27/15
SPAN	Pena,Nicolas A	2361		Q 50	MISS	Y	02/19/13
SPAN	Peraza,Nathalie C.	2064		Q 2	CENT	Y	11/13/15
SPAN	Perdomo,Sean P	1140		Q 50	MISS	Y	11/20/09
SPAN	Perez,Agustin	175		Q 2	POTR	Y	11/20/09
SPAN	Perez,Cezar A	940		Q 2	RICH	Y	06/16/92
SPAN	Perez,Esteban V	4183		Q 2	MISS	N	
SPAN	Perez,Lucio A	2217		Q 50	PROP	N	
SPAN	Petuya,Michael A.	2452		Q 2	ACAD	Y	11/13/15
SPAN	Poggio,Leonard F	391		Q 50	TEND	Y	02/27/15
SPAN	Prieto,Luis E	2458		Q 2	MISS	Y	02/19/13
SPAN	Pubill,Jose A	2131		Q 2	MTA	Y	06/16/92
SPAN	Rallis,Christos	238		Q 2	CSI	Y	02/19/13
SPAN	Ramirez,Steven S.	2453		Q 2	ACAD	Y	11/13/15
SPAN	Ramos Jr,Nelson J	1902		Q 50	FOB	Y	02/27/15
SPAN	Reboli,Marilu	1993		Q 2	NORT	Y	06/27/07
SPAN	Recinos,Carlos M	993		Q 2	MEDI	N	
SPAN	Reyes,Daniel	492		Q 2	FOB	Y	11/20/09
SPAN	Reyes,Nelson J	1223		Q 2	POTR	Y	06/16/92
SPAN	Reyes,Ruben E	1954		Q 2	SID	Y	02/26/15
SPAN	Reynoso,Ramon C	854		Q 2	MEDI	Y	12/17/99
SPAN	Richardson,Peter D	1231		Q 2	TACT	Y	02/27/15
SPAN	Rivera,Michael	2090		Q 0	ACAD	N	
SPAN	Robinson,Jason S	1850		Q 2	TACT	Y	06/27/07
SPAN	Rocha,Martin	2044		Q 2	NORT	Y	11/13/15
SPAN	Rodarte,Hector R	315		Q 2	SOUT	Y	11/20/09

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
SPAN	Rodriguez,David E	156	[redacted]	Q 2	POTR	Y	06/04/08
SPAN	Roman,Bayardo A	2373		Q 2	MISS	Y	02/19/13
SPAN	Rutledge,Deborah R	370		Q 2	PROP	N	
SPAN	Sainez,Hector M	1667		0400	CHIE	Y	06/16/92
SPAN	Sainez,Maricela	139		Q 50	SID	Y	12/17/99
SPAN	Sainez,Refugio	4680		CIV	PARK	Y	11/20/09
SPAN	Sandoval,Ronald A.	4692		CIV	AIRP	Y	02/27/13
SPAN	Santana,Benjamin S	217		Q 2	CENT	Y	02/27/13
SPAN	Schor,Alvaro D	1376		Q 2	RICH	Y	05/30/96
SPAN	Sequeira,Ivan	1189		Q 2	ADMI	Y	10/30/15
SPAN	Sermeno,Linda			CIV	NORT	Y	07/19/96
SPAN	Serrano,Reynaldo	1018		Q 2	AFOB	Y	05/30/96
SPAN	Serva,Andres R.	2469		Q 2	ACAD	Y	11/13/15
SPAN	Servellon-Ayala,Irma			CIV	GTF	Y	02/27/13
SPAN	Servellon-Chicas,Ana N			CIV	INVE	Y	04/01/98
SPAN	Sevilla,Lionel N	1725		Q 2	CENT	Y	06/16/92
SPAN	Shields,Peter N	1924		Q 50	SID	Y	02/27/13
SPAN	Silverman,Simon J	1543		Q 80	RICH	N	
SPAN	Siracusa,John James	1438		Q 2	INGL	Y	10/30/15
SPAN	Solares,Erick A	2011		Q 2	POTR	Y	02/26/15
SPAN	Solorzano,Daniel C	2306		Q 2	TEND	Y	05/13/14
SPAN	Steger,Robert L	388		Q 38	SVU	Y	02/26/15
SPAN	Thomas,Leroy E	1324		Q 2	MTA	Y	06/27/07
SPAN	Thompson,Mykael S.	970		Q 2	INGL	Y	10/30/15
SPAN	Tiffe,Liza Desiree	833		Q 50	SVU	Y	06/04/08
SPAN	Tillan,Luis N	331		Q 2	INGL	Y	02/25/15
SPAN	Torres,Miguel A	906		Q 2	TEND	Y	02/25/15
SPAN	Trujillo,Angelina	1737		Q 2	INGL	Y	02/25/15
SPAN	Trujillo,Richard A	162		Q 2	INGL	Y	12/17/99
SPAN	Turincio,Pedro	4608		CIV	AIRP	Y	02/27/13
SPAN	Ueber,Carl T	771		Q 50	PARK	Y	02/27/13
SPAN	Valdez,Ricardo H	1287		Q 2	POTR	Y	06/16/92
SPAN	Valenzuela Rodriguez,Eduardo E	640		Q 2	TEND	Y	11/13/15
SPAN	Vallarino,Sarah C.	1709		Q 2	ADMI	Y	11/19/09
SPAN	Valle,Claudia M	4358		Q 2	POTR	Y	10/30/15
SPAN	Velazquez,Rufino	2229		Q 2	POTR	Y	11/13/15
SPAN	Vernengo Jr,Robert J	4175		Q 2	MTA	Y	02/26/15
SPAN	Walsh,Carmen E	1106		Q 2	AFOB	Y	02/26/15
SPAN	Yick,Richard A.G.	1032		Q 2	ADMI	N	
SPAN	Zandanel,Eleonardo G.	2379		Q 2	MISS	Y	11/13/15
SPAN	Zuercher-Valdespino,Valve C.	4698		CIV	MUNI	Y	02/27/13
SWED	**Swedish**						
SWED	Matthias,Steven L	1977	[redacted]	Q 2	CENT	N	
SYRI	**Syrian**						
SYRI	Haskell,Steven G	1236	[redacted]	Q 50	SOUT	N	
TAGA	**Tagalog (Philippines)**						
TAGA	Arquero,Gerard P	1958	[redacted]	Q 2	TACT	N	
TAGA	Balamiento,Tony M	4512		CIV	AIRP	N	
TAGA	Baldovino,Rommel C	2074		Q 2	INGL	N	
TAGA	Baure,Renato B	4505		CIV	AIRP	Y	11/10/15
TAGA	Bautista,Grace M	4778		CIV	TEND	Y	11/10/15

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
TAGA	Borromeo,Joaquin F	1212	[redacted]	Q 50	POTR	Y	11/10/15
TAGA	Camilosa,Meyrick A.	2407	[redacted]	Q 2	ACAD	Y	11/10/15
TAGA	Castillo,Ricardo S	4166	[redacted]	Q 50	AFOB	N	
TAGA	Caturay,Randy A	372	[redacted]	Q 60	MISS	N	
TAGA	Ciriaco,Maria Hermina	482	[redacted]	Q 50	LEGA	N	
TAGA	Ciudad,Albern R	214	[redacted]	Q 2	CENT	N	
TAGA	De Jesus,Peterkent C	1992	[redacted]	Q 2	AFOB	Y	11/10/15
TAGA	DeJesus,Teresa S	4543	[redacted]	CIV	AIRP	Y	11/10/15
TAGA	Delavega,Romeo B	1823	[redacted]	Q 2	COMP	N	
TAGA	Deleon,Noel P	565	[redacted]	Q 2	TACT	N	
TAGA	Dimapasoc,Ferdinand M	769	[redacted]	Q 2	CENT	Y	11/10/15
TAGA	Dutt,Lorna M	4614	[redacted]	CIV	AIRP	Y	11/10/15
TAGA	Feliciano,Francis J	500	[redacted]	Q 50	PARK	Y	11/13/15
TAGA	Galeano,Marian H		[redacted]	CIV	TACT	N	
TAGA	Gilbert,Corazon Q.	4591	[redacted]	CIV	AIRP	Y	11/13/15
TAGA	Jimenez,Fredizminda L.		[redacted]	CIV	NIGH	Y	11/10/15
TAGA	Juco,Glenn P	4121	[redacted]	Q 2	CSI	N	
TAGA	Labonete,Grace A		[redacted]	CIV	ID	N	
TAGA	Lalic,Angel C.	4688	[redacted]	CIV	AIRP	Y	11/13/15
TAGA	Lalic,Shirley M.	4640	[redacted]	CIV	AIRP	Y	11/13/15
TAGA	Lozano,Angel G	554	[redacted]	Q 2	TACT	N	
TAGA	Manalac,Reynan R.	4638	[redacted]	CIV	AIRP	Y	11/10/15
TAGA	Maracha,Armando V	1957	[redacted]	Q 2	AIRP	N	
TAGA	Matsumoto,Maria T C		[redacted]	CIV	CIS	Y	11/13/15
TAGA	Mendiola,Joseph D	1975	[redacted]	Q 2	TARA	N	
TAGA	Mendoza,Loverne M		[redacted]	CIV	PAYR	N	
TAGA	Miralles,Emelita M		[redacted]	CIV	CIS	N	
TAGA	Morales,Norma C		[redacted]	CIV	CIS	N	
TAGA	Padrones,Robert A	774	[redacted]	Q 50	DOC	N	
TAGA	Pagtanac,Benjamin N	4235	[redacted]	Q 2	TARA	N	
TAGA	Quema,Eric B		[redacted]	0960	STAF	N	
TAGA	Relampagos,Zenaida M		[redacted]	0960	STAF	N	
TAGA	Reyes,Rafael A	4509	[redacted]	CIV	AIRP	Y	11/13/15
TAGA	Sardina,Brandon M	4604	[redacted]	CIV	AIRP	N	
TAGA	Sembrana,Joven D	4622	[redacted]	CIV	AIRP	N	
TAGA	Siguido,Buddy R	4212	[redacted]	Q 2	TARA	N	
TAGA	Soliman,Everilda N	4791	[redacted]	CIV	SOUT	Y	11/13/15
TAGA	Sy,Joselito P	1764	[redacted]	Q 2	MTA	Y	11/10/15
TAGA	Tellez,Samuel V	4615	[redacted]	CIV	AIRP	Y	11/13/15
TAGA	Valenzuela,Antonette M	163	[redacted]	Q 2	AFOB	N	
TAGA	Velasquez,Anna M.	4694	[redacted]	CIV	POTR	Y	11/13/15
TAGA	Vicente,Joel V	4626	[redacted]	CIV	AIRP	N	
TAGA	Villeta,Alfredo	4627	[redacted]	CIV	AIRP	Y	11/13/15
TAGA	Zabarte,Luis D	4649	[redacted]	CIV	INVE	Y	11/13/15
TOIS	**Toisan**						
TOIS	Lee,Steven Y	1057	[redacted]	Q 2	MTA	N	
URDI	**Urdi**						
URDI	Conradd,Afrozan	4537	[redacted]	CIV	AIRP	N	
VIET	**Vietnamese**						
VIET	Do,David Q	53	[redacted]	Q 50	CENT	N	
VIET	Ha,Dien X	212	[redacted]	Q 50	SID	N	

Language	Name	Star	ANumber	Rank	DeptID	DHR-Certified	Test Dt
VIET	Ng,Rose H	4586	[redacted]	CIV	AIRP	N	
VIET	Phung,Vincent T	4620	[redacted]	CIV	AIRP	N	
VIET	Thieu,Felix T	1463	[redacted]	Q 38	SID	N	
YUGO	**Yugoslavian**						
YUGO	Jankovic,Tom A	927	[redacted]	Q 2	AFOB	N	

End of Report

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

MEDIA ADVISORY

March 9, 2018
18-010

Town Hall Meeting

A town hall meeting will be held on **Monday, March 12, 2018 at 6:00 PM** to provide the community with an update on the investigation of the officer involved shooting that occurred on Capp Street and 21st Street on Tuesday, March 6th.

This town hall meeting will be held at **the Cesar Chavez School**, located at **825 Shotwell Street.**

###

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SFDPA - 0097-18 - 002344

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

NEWS RELEASE

Investigation:

- Independent Investigations Bureau of the District Attorney's Office, Department of Police Accountability were notified, responded to the scene, and are conducting independent investigations
- Department's homicide unit is conducting the criminal investigation and the Department's Internal Affair's unit is conducting the administrative investigation

Officer's Names:

- Provided there are no safety concerns the names of the involved officers will be released within 10 days per department policy

Videos Shown:

- Five videos will be shown,
- Capp Street video
- Three BWC videos
- One KPIX news clip.

- Additional BWC videos and other images will be posted on-line

Body Worn Cameras

https://player.vimeo.com/video/259778697

https://player.vimeo.com/video/259779486

https://player.vimeo.com/video/259779867

https://player.vimeo.com/video/259781051

https://player.vimeo.com/video/259781960

https://player.vimeo.com/video/259782177

https://player.vimeo.com/video/259782345

https://player.vimeo.com/video/259785597

https://player.vimeo.com/video/259789735

https://player.vimeo.com/video/259791049

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SFDPA - 0097-18 - 002345

City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158

NEWS RELEASE

Body Worn Cameras, continued:

https://player.vimeo.com/video/259792616

https://player.vimeo.com/video/259793301

Surveillance Camera Footage

https://player.vimeo.com/video/259794067

Cell Phone Video

https://player.vimeo.com/video/259795118

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sanfranciscopolice.org

SFDPA - 0097-18 - 002340

Name: Barcena,Oscar C **Star: 1715** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]
Sergeant	Q 50	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	01/28/97	B 85302
INT	Intermediate Certification	09/24/97	I 58066
ADV	Advanced Certification	07/11/01	A 60679

Course Summary

Title: THE TRUTH ACT AND ASSOCIATED N **Control No:** DB2018 **Hours:** 1.00

Start Date: 03/15/18 **End Date:** 03/15/20 **Course Type:** Certification Required **Advised Date:** 16-MAR-2018

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 02/26/18 **End Date:** 03/01/18 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: CREATING AN INCLUSIVE ENVIRONM **Control No:** SF227A **Hours:** 18.00

Start Date: 09/06/17 **End Date:** 09/07/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 06/10/17 **End Date:** 06/10/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 06/09/17 **End Date:** 06/09/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: SUPERVISORY COURSE **Control No:** 00400 **Hours:** 80.00

Start Date: 04/24/17 **End Date:** 05/05/17 **Course Type:** Certified Technical **School:** --

Comments:

Title: ESTOP TRAIN-THE-TRAINER **Control No:** SF230T **Hours:** 1.00

Start Date: 12/02/16 **End Date:** 12/02/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 12/01/16 **End Date:** 12/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE CRISIS INTERVENTION II **Control No:** 20801A **Hours:** 40.00

Start Date: 10/31/16 **End Date:** 11/03/16 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002348

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 09/19/16 **End Date:** 09/23/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077B **Hours:** 3.00

Start Date: 04/29/16 **End Date:** 05/15/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 03/14/16 **End Date:** 03/17/16 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077 **Hours:** 3.00

Start Date: 12/31/15 **End Date:** 12/31/15 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077A **Hours:** 3.00

Start Date: 11/01/15 **End Date:** 11/01/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: EMPLOYEE INFORMATION REGARDING **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/30/15 **End Date:** 03/30/17 **Course Type:** Certification Required **Advised Date:** 08-APR-2015

Comments:

Title: TRANSPORTING PERSONS WHO USE M **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/18/15 **End Date:** 03/18/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: EMERGENCY TRANSPORTATION OF ST **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/18/15 **End Date:** 03/18/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: PROTOCOL FOR RELEASE OF POLICE **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/18/15 **End Date:** 03/18/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: PACKAGING PROCEDURES FOR HYPOD **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/16/15 **End Date:** 03/16/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: CHANGE OF TRAINING DETAIL LOCA **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/11/15 **End Date:** 03/11/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: CHANGE OF TRAINING DETAIL LOCA **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/10/15 **End Date:** 03/10/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

SFDPA - 0097-18 - 002350

Title: OPIATE OVERDOSE PREVENTION AND **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/06/15 **End Date:** 03/06/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: USE OF FORCE OPTIONS: REPORTIN **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/05/15 **End Date:** 03/05/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: PROCEDURES FOR COUNTERFEIT CUR **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/04/15 **End Date:** 03/04/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: LANGUAGE SERVICE INFORMATION C **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/02/15 **End Date:** 03/02/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: PROCEDURE FOR BOOKING "CONREP" **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/02/15 **End Date:** 03/02/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: PURSUIT POLICY TRAINING **Control No:** RC2015 **Hours:** 1.00

Start Date: 02/24/15 **End Date:** 02/24/17 **Course Type:** Certification Required **Advised Date:** 30-JUN-2015

Comments:

Title: NEW "628" AREA CODE OVERLAY -S **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/20/15 **End Date:** 02/20/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: RESPONSIBILITY FOR BOOKING JUV **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/19/15 **End Date:** 02/19/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: D.G.O. 3.08, COURT APPEARANCES **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/10/15 **End Date:** 02/10/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: DEADLINE TO MAKE CHANGES IN HR **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/10/15 **End Date:** 02/10/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: LIMITED ENGLISH PROFICIENT (LE **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/09/15 **End Date:** 02/09/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: OBTAINING A PUBLIC SAFETY STAT **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/09/15 **End Date:** 02/09/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

SFDPA - 0097-18 - 002352

Title: PAPERLESS PAY ADVICES FOR SWOR **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/09/15 **End Date:** 02/09/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: CHILDREN OF ARRESTED PARENTS **Control No:** RC2015 **Hours:** 1.00

Start Date: 02/06/15 **End Date:** 02/04/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: POTENTIALLY CONTAMINATED VEHIC **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/04/15 **End Date:** 02/04/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: ATTENTION TO DUTY **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/03/15 **End Date:** 02/03/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: CHANGES & ADDITIONS TO CRIMINA **Control No:** DB2015 **Hours:** 1.00

Start Date: 02/03/15 **End Date:** 02/03/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: CASE LAW UPDATE FOR 2015 **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/27/15 **End Date:** 01/27/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: RESPONSIBILITY FOR CIVILIANS T **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/27/15 **End Date:** 01/27/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: LEGISLATIVE UPDATE FOR 2015 **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/27/15 **End Date:** 01/27/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: EBOLA UPDATE **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/27/15 **End Date:** 01/27/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: USE OF JUDICIAL COUNCIL OF CAL **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/27/15 **End Date:** 01/27/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: DGO 8.08: "BOMB THREATS, CLAND **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/27/15 **End Date:** 01/27/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: BICYCLE/TRAFFIC SAFETY TRAININ **Control No:** RC2015 **Hours:** 1.00

Start Date: 01/09/15 **End Date:** 01/09/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

SFDPA - 0097-18 - 002354

Title: MISSING PERSONS ASSIGNMENT CRI **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/09/15 **End Date:** 01/09/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: OVERTIME RULES AND REPORTING **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/09/15 **End Date:** 01/09/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: HYPODERMIC SYRINGE ACCESS AND **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/06/15 **End Date:** 01/06/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: GOLDEN GATE BRIDGE CLOSURE-SEO **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/06/15 **End Date:** 01/06/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: PROCEDURES FOR SEALING AND BOO **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/05/15 **End Date:** 01/05/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: USE OF DISCRETIONARY TIME OFF **Control No:** DB2015 **Hours:** 1.00

Start Date: 01/05/15 **End Date:** 01/05/17 **Course Type:** Certification Required **Advised Date:** 19-MAR-2015

Comments:

Title: ACTIVE SHOOTER **Control No:** 22306 **Hours:** 18.00

Start Date: 04/08/14 **End Date:** 04/09/14 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 03/17/14 **End Date:** 03/20/14 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: INSTRUCTOR DEVELOPMENT **Control No:** 21706 **Hours:** 40.00

Start Date: 06/10/13 **End Date:** 06/14/13 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: 398-12 SYRINGE ACCESS AND DISP **Control No:** RC2012 **Hours:** 1.00

Start Date: 12/01/12 **End Date:** 12/01/13 **Course Type:** Certification Required **Advised Date:** 23-JAN-2013

Comments:

Title: 397-12 INDICATORS OF TERRORIST **Control No:** RC2012 **Hours:** 1.00

Start Date: 11/01/12 **End Date:** 11/30/13 **Course Type:** Certification Required **Advised Date:** 27-NOV-2012

Comments:

Title: CRIME SCENE INVESTIGATIONS **Control No:** 31566 **Hours:** 40.00

Start Date: 10/15/12 **End Date:** 10/19/12 **Course Type:** Certification Required **School:** South Bay Regional

Comments:

SFDPA - 0097-18 - 002356

Title: 396-12 AMMONIA INHALANTS OCTOB **Control No:** RC2012 **Hours:** 1.00

Start Date: 09/25/12 **End Date:** 10/01/13 **Course Type:** Certification Required **Advised Date:** 01-OCT-2012

Comments:

Title: PURSUIT POLICY TRAINING 2012 (**Control No:** PP006 **Hours:** 1.00

Start Date: 05/15/12 **End Date:** 06/30/13 **Course Type:** Certification Required **Advised Date:** 11-JUN-2012

Comments:

Title: DIGITAL EVIDENCE RECOVERY TRAI **Control No:** SF157 **Hours:** 20.00

Start Date: 03/13/12 **End Date:** 03/14/12 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ICI TECH. IN INVESTIGATIONS **Control No:** 26010 **Hours:** 40.00

Start Date: 02/27/12 **End Date:** 03/02/12 **Course Type:** Certification Required **School:** San Diego Regional Tr Ctr

Comments:

Title: ICI TECH. IN INVESTIGATIONS **Control No:** 26010 **Hours:** 40.00

Start Date: 02/27/12 **End Date:** 03/02/12 **Course Type:** Certification Required **School:** San Diego Regional Tr Ctr

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 32.00

Start Date: 01/09/12 **End Date:** 01/12/12 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: SABRE RED OC **Control No:** RC2011 **Hours:** 1.00

Start Date: 09/08/11 **End Date:** 09/08/12 **Course Type:** Non_Certified **Advised Date:** 14-DEC-2011

Comments:

Title: PROCEDURES FORCOMPLETING SECUR **Control No:** RC2011 **Hours:** 1.00

Start Date: 09/07/11 **End Date:** 09/08/12 **Course Type:** Non_Certified **Advised Date:** 04-OCT-2011

Comments:

Title: RESPONDING TO ENVIRONMENTAL CR **Control No:** RC2011 **Hours:** 1.00

Start Date: 08/03/11 **End Date:** 08/03/12 **Course Type:** Non_Certified **Advised Date:** 04-OCT-2011

Comments:

Title: LIMITED ENGLISH PROFICIENT JUV **Control No:** RC2011 **Hours:** 1.00

Start Date: 07/01/11 **End Date:** 07/01/12 **Course Type:** Non_Certified **Advised Date:** 04-OCT-2011

Comments:

Title: PROFESSIONAL DEVELOPMENT-DNA **Control No:** SF119 **Hours:** 2.00

Start Date: 05/18/11 **End Date:** 12/31/11 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: PURSUIT POLICY 2011 **Control No:** PP005 **Hours:** 1.00

Start Date: 05/16/11 **End Date:** 05/16/12 **Course Type:** Certification Required **Advised Date:** 13-JUL-2011

Comments:

SFDPA - 0097-18 - 002358

Title: PLAINCLOTHES FIREARMS TRAINING **Control No:** SF223 **Hours:** 5.00

Start Date: 03/29/11 **End Date:** 03/29/11 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: 35-CAR OPERATIONS TRAINING UPD **Control No:** SF124 **Hours:** 2.00

Start Date: 03/16/11 **End Date:** 03/16/11 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ACCURINT TRAINING **Control No:** RC2011 **Hours:** 1.00

Start Date: 02/15/11 **End Date:** 02/15/12 **Course Type:** Non_Certified **Advised Date:** 28-FEB-2011

Comments:

Title: PROMOTION OF CIVIL SIDE WALK O **Control No:** RC2011 **Hours:** 1.00

Start Date: 01/20/11 **End Date:** 01/20/12 **Course Type:** Non_Certified **Advised Date:** 10-FEB-2011

Comments:

Title: DSW PERSONAL PREPAREDNESS TRAI **Control No:** RC2010 **Hours:** 1.00

Start Date: 11/01/10 **End Date:** **Course Type:** Non_Certified **Advised Date:** 28-DEC-2010

Comments:

Title: PURSUIT POLICY TRAINING **Control No:** PP004 **Hours:** 1.00

Start Date: 06/30/10 **End Date:** 06/30/10 **Course Type:** Non_Certified **Advised Date:** 20-OCT-2010

Comments:

Title: ABUSE/ELDER & DEPENDANT **Control No:** 35003 **Hours:** 20.00

Start Date: 05/18/10 **End Date:** 05/19/10 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: EXPANDABLE BATON **Control No:** SF011 **Hours:** 3.00

Start Date: 03/15/10 **End Date:** 03/15/10 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 02/01/10 **End Date:** 02/04/10 **Course Type:** Certified Technical **School:** --

Comments:

Title: BOOKING AND DETENTION **Control No:** 30787 **Hours:** 8.00

Start Date: 12/16/09 **End Date:** 12/16/09 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: FIREARMS, TACTICAL RIFLE **Control No:** 32075 **Hours:** 30.00

Start Date: 09/22/09 **End Date:** 09/24/09 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: PERSONAL PREPAREDNESS **Control No:** DW0810 **Hours:** 1.00

Start Date: 08/24/09 **End Date:** 08/24/09 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002360

Title: DRIVER TRAINING EVOC 18 HOUR **Control No:** 21155 **Hours:** 18.00

Start Date: 06/16/09 **End Date:** 06/17/09 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: TRANSGENDER AWARENESS **Control No:** SF004 **Hours:** 4.00

Start Date: 01/07/09 **End Date:** 01/07/09 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: PERSONAL PREPAREDNESS **Control No:** DW0810 **Hours:** 1.00

Start Date: 11/27/08 **End Date:** 11/27/08 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: SEARCH WARRANTS FOR CELL PHONE **Control No:** EXTTRN **Hours:** 8.00

Start Date: 07/08/08 **End Date:** 07/08/08 **Course Type:** Certification Required **School:** --

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 02/11/08 **End Date:** 02/15/08 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: PRISON GANGS **Control No:** SFPHST **Hours:** 8.00

Start Date: 06/28/07 **End Date:** 06/28/07 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: INTERVIEW & INTERROGATION **Control No:** SFPHST **Hours:** 8.00

Start Date: 05/21/07 **End Date:** 05/21/07 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: DRUG ABUSE RECOGNITION **Control No:** SFPHST **Hours:** 8.00

Start Date: 02/22/07 **End Date:** 02/22/07 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: HOTEL / MOTEL ENFORCEMENT **Control No:** SFPHST **Hours:** 8.00

Start Date: 01/18/07 **End Date:** 01/18/07 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BICYCLE PATROL **Control No:** 23820 **Hours:** 24.00

Start Date: 10/23/06 **End Date:** 10/25/06 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: PROJECT SAFE NEIGHBORHOODS **Control No:** SFPHST **Hours:** 0.00

Start Date: 08/23/06 **End Date:** 08/23/06 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: CAL GANG END USERS **Control No:** SFPHST **Hours:** 16.00

Start Date: 12/05/05 **End Date:** 12/06/05 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002362

Title: POLICE CRISIS INTERVENTION **Control No:** 20801 **Hours:** 8.00

Start Date: 09/15/05 **End Date:** 09/15/05 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ARTSTCTL/INTCOM(PSP) **Control No:** 29516 **Hours:** 6.00

Start Date: 09/14/05 **End Date:** 09/14/05 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: DRIVING/FORCE OPTIONS COMBO **Control No:** 20005 **Hours:** 8.00

Start Date: 09/13/05 **End Date:** 09/13/05 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: PATROL-OFFICER UPDATE **Control No:** 31752 **Hours:** 10.00

Start Date: 09/12/05 **End Date:** 09/12/05 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: POLICE CRISIS INTERVENTION **Control No:** 20801 **Hours:** 40.00

Start Date: 06/20/05 **End Date:** 06/24/05 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PAROLEE CONTACTS **Control No:** SFPHST **Hours:** 8.00

Start Date: 04/19/05 **End Date:** 04/19/05 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002363

Title: INTERVIEWS & INTERROGATIONS **Control No:** 31445 **Hours:** 40.00

Start Date: 04/11/05 **End Date:** 04/15/05 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BASIC TACTICAL ENTRY TECHNIQUE **Control No:** SFPHST **Hours:** 8.00

Start Date: 03/11/05 **End Date:** 03/11/05 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: RAVE, PARTY & DESIGNER DRUGS **Control No:** SFPHST **Hours:** 8.00

Start Date: 02/22/05 **End Date:** 02/22/05 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: FROL WMD/HAZMAT **Control No:** SFPHST **Hours:** 20.00

Start Date: 01/24/05 **End Date:** 01/25/05 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: I.C.I. CORE COURSE **Control No:** 26000 **Hours:** 76.00

Start Date: 11/29/04 **End Date:** 12/10/04 **Course Type:** Certified Technical **School:** --

Comments:

Title: IDENTITY THEFT & METHAMPHETAMI **Control No:** SFPHST **Hours:** 8.00

Start Date: 09/27/04 **End Date:** 09/27/04 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002364

Title: R.A.T. BASIC **Control No:** SFPHST **Hours:** 10.00

Start Date: 08/17/04 **End Date:** 08/17/04 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BOOKING AND DETENTION **Control No:** 29900 **Hours:** 8.00

Start Date: 07/14/04 **End Date:** 07/14/04 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: CAL-PHOTO **Control No:** SF001 **Hours:** 1.00

Start Date: 06/02/04 **End Date:** 06/02/04 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: ARREST AND CONTROL **Control No:** 21025 **Hours:** 24.00

Start Date: 04/21/04 **End Date:** 04/23/04 **Course Type:** Certified Technical **School:** SFPD

Comments: Plainclothes

Title: DETECTIVE SCHOOL **Control No:** 31480 **Hours:** 16.00

Start Date: 03/01/04 **End Date:** 03/02/04 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: EXTENDED RANGE IMPACT WEAPONS **Control No:** SFPERW **Hours:** 4.00

Start Date: 11/06/03 **End Date:** 11/06/03 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: HAZMAT - 1ST RESPONDER / NBC **Control No:** SFPHZ1 **Hours:** 4.00

Start Date: 09/12/03 **End Date:** 09/12/03 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: RACIAL PROFILING **Control No:** 23282 **Hours:** 5.00

Start Date: 09/11/03 **End Date:** 09/11/03 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: TACTICAL RESPONSE SCHOOL/COMMU **Control No:** 22289 **Hours:** 20.00

Start Date: 02/10/03 **End Date:** 02/11/03 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BASIC COURSE INTENSIVE **Control No:** 00100 **Hours:** 0.00

Start Date: 11/26/01 **End Date:** 06/07/02 **Course Type:** Certification Required **School:** SFPD

Comments: This course was 1040 hours

Title: DRIVING/FORCE OPTIONS COMBO **Control No:** 20005 **Hours:** 8.00

Start Date: 11/05/01 **End Date:** 11/05/01 **Course Type:** Certified Technical **School:** SFPD

Comments: Training received prior to employment with SFPD.

Title: DRUG INFLUENCE - 11550 H&S **Control No:** 22220 **Hours:** 36.00

Start Date: 09/10/01 **End Date:** 09/13/01 **Course Type:** Certified Technical **School:** SFPD

Comments: Training received prior to employment with SFPD

SFDPA - 0097-18 - 002366

Title: ARREST AND CONTROL **Control No:** 21025 **Hours:** 16.00

Start Date: 06/18/01 **End Date:** 06/19/01 **Course Type:** Certified Technical **School:** SFPD

Comments: FTO. Training received prior to employment with SFPD.

Title: FIELD TRAINING OFFICER **Control No:** 31725 **Hours:** 40.00

Start Date: 02/26/01 **End Date:** 03/02/01 **Course Type:** Certified Technical **School:** SFPD

Comments: Training received prior to employment with SFPD

Title: TACTICAL ENTRY TECHNIQUES BASI **Control No:** SFPHST **Hours:** 8.00

Start Date: 02/20/01 **End Date:** 02/20/01 **Course Type:** Certification Required **School:** SFPD

Comments: Training received prior to employment with SFPD

Title: SUPERVISORY COURSE **Control No:** 00400 **Hours:** 80.00

Start Date: 03/06/00 **End Date:** 03/17/00 **Course Type:** Certified Technical **School:** --

Comments: Training received prior to employment with SFPD.

Title: OFFICER SAFETY FIELD TACTICS **Control No:** SFPHST **Hours:** 40.00

Start Date: 09/14/98 **End Date:** 09/18/98 **Course Type:** Certification Required **School:** SFPD

Comments: Training received prior to employment with SFPD

Title: SEARCH WARRANT & ARR-HIGH RISK **Control No:** 24271 **Hours:** 40.00

Start Date: 03/02/98 **End Date:** 03/06/98 **Course Type:** Certified Technical **School:** SFPD

Comments: Training received prior to employment with SFPD

Outside Certificates	Certificate Title	Issue Date	Expiration Date
SFPD	Digital Video/Adobe Photo 24h	06/13/12	
Certificate Details:	Resolution Video Inc.		
SFPD	Forensic Video Anal.w/Avid 24h	08/08/12	
SFPD	IS 100 Incident Command System	11/03/17	
Certificate Details:	Emergency Management Institute Dept of Homeland Security FEMA IS-00100.b Introduction to Incident Command System ICS-100 Nov 6, 2017 0.3 CEU		
SFPD	IS 200 Single Resources	11/04/17	
Certificate Details:	Emergency Management Institute Dept of Homeland Security FEMA IS-00200.b ICS for Single Resources and Initial Action Incident ICS-200 Nov 6, 2017 0.3 CEU		
SFPD	IS 700 National Incident Manag	11/05/17	
Certificate Details:	Emergency Management Institute Dept of Homeland Security FEMA IS-00700.a National Incident Management System (NIMS) Nov 6, 2017 0.3 CEU		
SFPD	IS 800 National Response Frame	11/06/17	
Certificate Details:	Emergency Management Institute Dept of Homeland Security FEMA IS-00800.b National Response Framework, An Introduction Nov 6, 2017 0.3 CEU		
SFPD	WMD/Terrorism Awareness	11/12/17	
Certificate Details:	Texas A&M Engineering Extension Service Dept Homeland Security FEMA WMD/Teorrism Awareness for Emergency Responders Nov 12, 2017 0.4 CEU		

End of Report

SFDPA - 0097-18 - 002368

Name: Cope,Tyler J **Star: 677** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Da[redacted]	Year

Course Summary

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 07/08/17 **End Date:** 07/08/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 07/07/17 **End Date:** 07/07/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: INTR TO MANAGING IMPLICIT BIAS **Control No:** SF227R **Hours:** 8.00

Start Date: 02/22/17 **End Date:** 02/22/17 **Course Type:** Certification Required **School:** SFPD

Comments:

End of Report

Name: Gustilo III,Juan Daniel O **Star: 1469** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	06/20/16

Degree/Education	Issue Date	Year

Course Summary

Title: CHIEF'S SEPTEMBER 2018 VIDEO **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/07/18 **End Date:** 09/07/20 **Course Type:** Certification Required **Advised Date:** 10-SEP-2018

Comments:

Title: FIRE AND ARSON INVESTIGATIONS **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/06/18 **End Date:** 09/06/20 **Course Type:** Certification Required **Advised Date:** 07-SEP-2018

Comments:

Title: WORK-RELATED INJURIES, ILLNESS **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/20 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

Title: FALSE ALLEGATIONS OF MISCONDUC **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/20 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

SFDPA - 0097-18 - 002370

Title: ACCURINT LE: ACCESSING DATA FO **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/18 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

Title: TRAUMATIC BRAIN INJURIES (RE-I **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/29/18 **End Date:** 08/29/20 **Course Type:** Certification Required **Advised Date:** 29-AUG-2018

Comments:

Title: CSI IMPOUND PROCEDURES (RE-ISS **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/28/18 **End Date:** 08/28/20 **Course Type:** Certification Required **Advised Date:** 04-SEP-2018

Comments:

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 01/24/18 **End Date:** 01/24/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 12/06/17 **End Date:** 12/06/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 07/18/17 **End Date:** 07/18/17 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002371

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 07/17/17 **End Date:** 07/17/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: INTR TO MANAGING IMPLICIT BIAS **Control No:** SF227R **Hours:** 8.00

Start Date: 02/22/17 **End Date:** 02/22/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 10/24/16 **End Date:** 10/24/16 **Course Type:** Certification Required **School:** SFPD

Comments:

End of Report

Name: Chiu,Loren A. **Star: 1306** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education		Issue Date	Year
BA	Bachelor of Arts		2013

POST Certifications		Issue Date	License #
INT	Intermediate Certification	05/08/17	I 134304

Course Summary

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 01/24/18 **End Date:** 01/24/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 10/23/17 **End Date:** 10/26/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 04/11/17 **End Date:** 04/11/17 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002373

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 04/10/17 **End Date:** 04/10/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 12/01/16 **End Date:** 12/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 11/07/16 **End Date:** 11/10/16 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 09/26/16 **End Date:** 09/30/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077B **Hours:** 3.00

Start Date: 04/29/16 **End Date:** 05/15/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: RAPID CONTAINMENT EXPAND BATON **Control No:** SF168 **Hours:** 3.00

Start Date: 11/18/15 **End Date:** 11/18/15 **Course Type:** Non_Certified **School:** SFPD

Comments:

SFDPA - 0097-18 - 002374

Title: EMPLOYEE INFORMATION REGARDING **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/30/15 **End Date:** 03/30/17 **Course Type:** Certification Required **Advised Date:** 15-APR-2015

Comments:

Title: EMERGENCY TRANSPORTATION OF ST **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/18/15 **End Date:** 03/18/17 **Course Type:** Certification Required **Advised Date:** 15-APR-2015

Comments:

Title: PROTOCOL FOR RELEASE OF POLICE **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/18/15 **End Date:** 03/18/17 **Course Type:** Certification Required **Advised Date:** 15-APR-2015

Comments:

Title: TRANSPORTING PERSONS WHO USE M **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/18/15 **End Date:** 03/18/17 **Course Type:** Certification Required **Advised Date:** 15-APR-2015

Comments:

Title: PACKAGING PROCEDURES FOR HYPOD **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/16/15 **End Date:** 03/16/17 **Course Type:** Certification Required **Advised Date:** 15-APR-2015

Comments:

Title: CHANGE OF TRAINING DETAIL LOCA **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/11/15 **End Date:** 03/11/17 **Course Type:** Certification Required **Advised Date:** 15-APR-2015

Comments:

SFDPA - 0097-18 - 002375

Title: CHANGE OF TRAINING DETAIL LOCA **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/10/15 **End Date:** 03/10/17 **Course Type:** Certification Required **Advised Date:** 14-APR-2015

Comments:

Title: OPIATE OVERDOSE PREVENTION AND **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/06/15 **End Date:** 03/06/17 **Course Type:** Certification Required **Advised Date:** 14-APR-2015

Comments:

Title: USE OF FORCE OPTIONS: REPORTIN **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/05/15 **End Date:** 03/05/17 **Course Type:** Certification Required **Advised Date:** 14-APR-2015

Comments:

Title: PROCEDURES FOR COUNTERFEIT CUR **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/04/15 **End Date:** 03/04/17 **Course Type:** Certification Required **Advised Date:** 14-APR-2015

Comments:

Title: LANGUAGE SERVICE INFORMATION C **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/02/15 **End Date:** 03/02/17 **Course Type:** Certification Required **Advised Date:** 14-APR-2015

Comments:

Title: PROCEDURE FOR BOOKING "CONREP" **Control No:** DB2015 **Hours:** 1.00

Start Date: 03/02/15 **End Date:** 03/02/17 **Course Type:** Certification Required **Advised Date:** 14-APR-2015

Comments:

SFDPA - 0097-18 - 002376

Title: PURSUIT POLICY TRAINING **Control No:** RC2015 **Hours:** 1.00

Start Date: 02/24/15 **End Date:** 02/24/17 **Course Type:** Certification Required **Advised Date:** 20-MAY-2015

Comments:

Title: CHILDREN OF ARRESTED PARENTS **Control No:** RC2015 **Hours:** 1.00

Start Date: 02/06/15 **End Date:** 02/04/17 **Course Type:** Certification Required **Advised Date:** 09-MAR-2015

Comments:

Title: BICYCLE/TRAFFIC SAFETY TRAININ **Control No:** RC2015 **Hours:** 1.00

Start Date: 01/09/15 **End Date:** 01/09/17 **Course Type:** Certification Required **Advised Date:** 27-FEB-2015

Comments:

Title: CIVIL SUMMONS AND COMPLAINT **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/23/14 **End Date:** 12/23/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

Title: SOCIAL MEDIA POLICY **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/17/14 **End Date:** 12/17/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

Title: REMINDER: REGARDING ALL ATTACH **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/15/14 **End Date:** 12/15/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

Title: DELIVERY OF INCIDENT REPORTS T **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/15/14 **End Date:** 12/15/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

Title: TRAUMATIC BRAIN INJURIES (DBI) **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/04/14 **End Date:** 12/04/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

Title: RULES, PROTOCOL AND PROCEDURES **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/04/14 **End Date:** 12/04/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

Title: REQUESTS FOR SIGN LANGUAGE INT **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/03/14 **End Date:** 12/03/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

Title: DEPARTMENT FORM FOR UNIFORM EQ **Control No:** DB2014 **Hours:** 1.00

Start Date: 12/02/14 **End Date:** 12/02/16 **Course Type:** Certification Required **Advised Date:** 05-JAN-2015

Comments:

End of Report

SFDPA - 0097-18 - 002378

Name: Nagai,Nicholas H. **Star: 2017** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	10/14/17	188464

Course Summary

Title: BASIC BICYCLE COURSE 1 DAY **Control No:** 23823 **Hours:** 10.00
Start Date: 01/25/18 **End Date:** 01/25/18 **Course Type:** Certification Required **School:** SFPD
Comments:

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00
Start Date: 01/10/18 **End Date:** 01/10/18 **Course Type:** Certification Required **School:** SFPD
Comments:

Title: RAPID CONTAINMENT EXPAND BATON **Control No:** SF168 **Hours:** 3.00
Start Date: 11/16/17 **End Date:** 11/16/17 **Course Type:** Non_Certified **School:** SFPD
Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00
Start Date: 05/13/17 **End Date:** 05/13/17 **Course Type:** Certification Required **School:** SFPD
Comments:

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 05/12/17 **End Date:** 05/12/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 04/24/17 **End Date:** 04/27/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 10/17/16 **End Date:** 10/21/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 10/01/16 **End Date:** 10/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077B **Hours:** 3.00

Start Date: 04/29/16 **End Date:** 05/15/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE CRISIS INTERVENTION II **Control No:** 20801A **Hours:** 40.00

Start Date: 03/21/16 **End Date:** 03/24/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: OFFICER-INVOLVED SHOOTING AND **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/26/15 **End Date:** 05/26/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: ARRERSTS INVOLVING FIREARMS **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/20/15 **End Date:** 05/20/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: MONITORING OVERTIME (AMENDS DG **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/20/15 **End Date:** 05/20/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: CONTACT DNA COLLECTION AND TES **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/12/15 **End Date:** 05/12/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: "A" DEPARTMENT BULLETIN FOR 24 **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/11/15 **End Date:** 05/11/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

SFDPA - 0097-18 - 002381

Title: EVIDENCE RELATING TO VICE CRIM **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/07/15 **End Date:** 05/07/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: JUVENILE DETENTION DISPOSITION **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: PROTOCOL FOR RELEASEOF POLICE **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: CHANGES TO (DUI) TELEPHONIC SE **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: MANDATORY ON-LINE COMPLETION O **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/30/15 **End Date:** 04/30/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: AVOIDING THE "LAWFUL BUT AWFUL **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/27/15 **End Date:** 04/27/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

SFDPA - 0097-18 - 002382

Title: VEHICLE THEFT ABATEMENT (VTA) **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/22/15 **End Date:** 04/22/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: "A" PRIORITY RADIO CODE 913M - **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/20/15 **End Date:** 04/20/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: DMV CONFIDENTIALITY **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/17/15 **End Date:** 04/17/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: PURSUIT POLICY TRAINING **Control No:** RC2015 **Hours:** 1.00

Start Date: 02/24/15 **End Date:** 02/24/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

End of Report

Name: Smith-Russack,Ari M. **Star: 4132** **A Number:** [redacted]

Appointments	Job Code	Date
Police Cadet	CIV	[redacted]
Police Officer	Q 2	

Degree/Education	Issue Date	Year

Course Summary

Title: PRINCIPLED POLICING **Control No:** 12425 **Hours:** 8.00

Start Date: 09/10/18 **End Date:** 09/10/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: RAPID CONTAINMENT EXPAND BATON **Control No:** SF168 **Hours:** 3.00

Start Date: 07/20/18 **End Date:** 07/20/18 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: BOOKING AND DETENTION **Control No:** 30787 **Hours:** 8.00

Start Date: 07/12/18 **End Date:** 07/12/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE CRISIS INTERVENTION II **Control No:** 20801A **Hours:** 40.00

Start Date: 04/23/18 **End Date:** 04/26/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 12/06/17 **End Date:** 12/06/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: INTR TO MANAGING IMPLICIT BIAS **Control No:** SF227R **Hours:** 8.00

Start Date: 07/11/17 **End Date:** 07/11/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 07/07/17 **End Date:** 07/07/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: TRAFFIC COLLISION INVESTIGATIO **Control No:** 33590 **Hours:** 40.00

Start Date: 06/05/17 **End Date:** 06/09/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BOOKING AND DETENTION **Control No:** 30787 **Hours:** 8.00

Start Date: 05/03/17 **End Date:** 05/03/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE RBC 5.01 **Control No:** SF237A **Hours:** 10.00

Start Date: 02/24/17 **End Date:** 02/24/17 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002385

Title: AUTISM AWARENESS FOR LAWE ENFO **Control No:** RC2017 **Hours:** 1.00

Start Date: 01/05/17 **End Date:** 01/05/19 **Course Type:** Certification Required **School:** SFPD

Comments:

Outside Certificates	Certificate Title	Issue Date	Expiration Date
SFPD	CJIS Security test	02/28/15	
Certificate Details:	This certificate is good through February 28, 2017		

End of Report

SFDPA - 0097-18 - 002386

Name: Cassinelli,Stephen F **Star: 1104** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

Course Summary

Title: CHIEF'S SEPTEMBER 2018 VIDEO **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/07/18 **End Date:** 09/07/20 **Course Type:** Certification Required **Advised Date:** 10-SEP-2018

Comments:

Title: FIRE AND ARSON INVESTIGATIONS **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/06/18 **End Date:** 09/06/20 **Course Type:** Certification Required **Advised Date:** 07-SEP-2018

Comments:

Title: WORK-RELATED INJURIES, ILLNESS **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/20 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

Title: ACCURINT LE: ACCESSING DATA FO **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/18 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

Title: FALSE ALLEGATIONS OF MISCONDUC **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/20 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

Title: TRAUMATIC BRAIN INJURIES (RE-I **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/29/18 **End Date:** 08/29/20 **Course Type:** Certification Required **Advised Date:** 29-AUG-2018

Comments:

Title: CSI IMPOUND PROCEDURES (RE-ISS **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/28/18 **End Date:** 08/28/20 **Course Type:** Certification Required **Advised Date:** 04-SEP-2018

Comments:

Title: REPORT WRITING RESPONSIBILITIE **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/22/18 **End Date:** 08/22/20 **Course Type:** Certification Required **Advised Date:** 22-AUG-2018

Comments:

Title: INTERNET CRIMES AGAINST CHILDR **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/22/18 **End Date:** 08/22/20 **Course Type:** Certification Required **Advised Date:** 22-AUG-2018

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 02/03/18 **End Date:** 02/03/18 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002388

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 02/02/18 **End Date:** 02/02/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 10/16/17 **End Date:** 10/19/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: RAPID CONTAINMENT EXPAND BATON **Control No:** SF168 **Hours:** 3.00

Start Date: 12/15/16 **End Date:** 12/15/16 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 12/01/16 **End Date:** 12/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 11/01/16 **End Date:** 11/04/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE CRISIS INTERVENTION II **Control No:** 20801A **Hours:** 40.00

Start Date: 06/06/16 **End Date:** 06/09/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077B **Hours:** 3.00

Start Date: 04/29/16 **End Date:** 05/15/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 03/14/16 **End Date:** 03/14/16 **Course Type:** Certification Required **School:** SFPD

Comments:

End of Report

SFDPA - 0097-18 - 002390

Name: Carroll,Corbyn M **Star: 987** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	01/16/18	189336

Course Summary

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 11/27/17 **End Date:** 11/30/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 10/03/17 **End Date:** 10/03/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 10/02/17 **End Date:** 10/02/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: RAPID CONTAINMENT EXPAND BATON **Control No:** SF168 **Hours:** 3.00

Start Date: 04/27/17 **End Date:** 04/27/17 **Course Type:** Non_Certified **School:** SFPD

Comments:

SFDPA - 0097-18 - 002391

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 02/08/17 **End Date:** 02/08/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 12/12/16 **End Date:** 12/16/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 10/01/16 **End Date:** 10/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE CRISIS INTERVENTION II **Control No:** 20801A **Hours:** 40.00

Start Date: 06/06/16 **End Date:** 06/09/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077B **Hours:** 3.00

Start Date: 04/29/16 **End Date:** 05/15/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 03/14/16 **End Date:** 03/14/16 **Course Type:** Certification Required **School:** SFPD

Comments:

End of Report

SFDPA - 0097-18 - 002393

Name: Smets,Colby A. **Star: 253** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	02/01/18	189513

Course Summary

Title: CHIEF'S SEPTEMBER 2018 VIDEO **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/07/18 **End Date:** 09/07/20 **Course Type:** Certification Required **Advised Date:** 10-SEP-2018

Comments:

Title: FIRE AND ARSON INVESTIGATIONS **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/06/18 **End Date:** 09/06/20 **Course Type:** Certification Required **Advised Date:** 07-SEP-2018

Comments:

Title: WORK-RELATED INJURIES, ILLNESS **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/20 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

Title: FALSE ALLEGATIONS OF MISCONDUC **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/20 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

SFDPA - 0097-18 - 002394

Title: ACCURINT LE: ACCESSING DATA FO **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/05/18 **End Date:** 09/05/18 **Course Type:** Certification Required **Advised Date:** 05-SEP-2018

Comments:

Title: TRAUMATIC BRAIN INJURIES (RE-I **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/29/18 **End Date:** 08/29/20 **Course Type:** Certification Required **Advised Date:** 29-AUG-2018

Comments:

Title: CSI IMPOUND PROCEDURES (RE-ISS **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/28/18 **End Date:** 08/28/20 **Course Type:** Certification Required **Advised Date:** 04-SEP-2018

Comments:

Title: REPORT WRITING RESPONSIBILITIE **Control No:** DB2018 **Hours:** 1.00

Start Date: 08/22/18 **End Date:** 08/22/20 **Course Type:** Certification Required **Advised Date:** 22-AUG-2018

Comments:

Title: ECITATION APP TRAINING **Control No:** SF242 **Hours:** 2.00

Start Date: 05/09/18 **End Date:** 05/09/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 01/29/18 **End Date:** 02/01/18 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 01/17/18 **End Date:** 01/17/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 05/25/17 **End Date:** 05/25/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 05/09/17 **End Date:** 05/09/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 05/08/17 **End Date:** 05/08/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 10/01/16 **End Date:** 10/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002396

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 06/20/16 **End Date:** 06/20/16 **Course Type:** Certification Required **School:** SFPD

Comments:

End of Report

SFDPA - 0097-18 - 002397

Name: Tupper,Joshua C **Star: 4115** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

Course Summary

Title: CHIEF'S SEPTEMBER 2018 VIDEO **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/07/18 **End Date:** 09/07/20 **Course Type:** Certification Required **Advised Date:** 10-SEP-2018

Comments:

Title: FIRE AND ARSON INVESTIGATIONS **Control No:** DB2018 **Hours:** 1.00

Start Date: 09/06/18 **End Date:** 09/06/20 **Course Type:** Certification Required **Advised Date:** 07-SEP-2018

Comments:

Title: RAPID CONTAINMENT EXPAND BATON **Control No:** SF168 **Hours:** 3.00

Start Date: 07/20/18 **End Date:** 07/20/18 **Course Type:** Non_Certified **School:** SFPD

Comments:

Title: VISIO DIAGRAMS FOR COLLISIONS **Control No:** SF244 **Hours:** 4.00

Start Date: 05/24/18 **End Date:** 05/24/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BASIC BICYCLE COURSE 1 DAY **Control No:** 23823 **Hours:** 10.00

Start Date: 02/01/18 **End Date:** 02/01/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 12/06/17 **End Date:** 12/07/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: INTR TO MANAGING IMPLICIT BIAS **Control No:** SF227R **Hours:** 8.00

Start Date: 07/11/17 **End Date:** 07/11/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 07/07/17 **End Date:** 07/07/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: TRAFFIC COLLISION INVESTIGATIO **Control No:** 33590 **Hours:** 40.00

Start Date: 06/05/17 **End Date:** 06/09/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: BOOKING AND DETENTION **Control No:** 30787 **Hours:** 8.00

Start Date: 05/03/17 **End Date:** 05/03/17 **Course Type:** Certification Required **School:** SFPD

Comments:

SFDPA - 0097-18 - 002399

Title: POLICE UTILITY VEH CONVERSION **Control No:** SF231 **Hours:** 3.00

Start Date: 04/10/17 **End Date:** 04/10/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE RBC 5.01 **Control No:** SF237A **Hours:** 10.00

Start Date: 02/24/17 **End Date:** 02/24/17 **Course Type:** Certification Required **School:** SFPD

Comments:

End of Report

Name: O'Rourke,Sean F. **Star: 2214** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	10/14/17	188466
INT	Intermediate Certification	01/22/18	136514

Course Summary

Title: BASIC BICYCLE COURSE 1 DAY **Control No:** 23823 **Hours:** 10.00

Start Date: 06/20/18 **End Date:** 06/20/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 04/04/17 **End Date:** 04/04/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 04/03/17 **End Date:** 04/03/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 02/27/17 **End Date:** 03/02/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 12/01/16 **End Date:** 12/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 09/19/16 **End Date:** 09/23/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077B **Hours:** 3.00

Start Date: 04/29/16 **End Date:** 05/15/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: OFFICER-INVOLVED SHOOTING AND **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/26/15 **End Date:** 05/26/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: ARRERSTS INVOLVING FIREARMS **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/20/15 **End Date:** 05/20/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

SFDPA - 0097-18 - 002402

Title: MONITORING OVERTIME (AMENDS DG **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/20/15 **End Date:** 05/20/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: CONTACT DNA COLLECTION AND TES **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/12/15 **End Date:** 05/12/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: "A" DEPARTMENT BULLETIN FOR 24 **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/11/15 **End Date:** 05/11/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: EVIDENCE RELATING TO VICE CRIM **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/07/15 **End Date:** 05/07/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: JUVENILE DETENTION DISPOSITION **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: CHANGES TO (DUI) TELEPHONIC SE **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: PROTOCOL FOR RELEASEOF POLICE **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: MANDATORY ON-LINE COMPLETION O **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/30/15 **End Date:** 04/30/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: AVOIDING THE "LAWFUL BUT AWFUL **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/27/15 **End Date:** 04/27/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: VEHICLE THEFT ABATEMENT (VTA) **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/22/15 **End Date:** 04/22/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: "A" PRIORITY RADIO CODE 913M - **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/20/15 **End Date:** 04/20/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: DMV CONFIDENTIALITY **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/17/15 **End Date:** 04/17/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

SFDPA - 0097-18 - 002404

Title: REPORTING REQUIREMENTS FOR CAL **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/17/15 **End Date:** 04/17/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: PURSUIT POLICY TRAINING **Control No:** RC2015 **Hours:** 1.00

Start Date: 02/24/15 **End Date:** 02/24/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

End of Report

SFDPA - 0097-18 - 002405

Name: O'Rourke,Sean F. **Star: 2214** **A Number:** [redacted]

Appointments	Job Code	Date
Police Officer	Q 2	[redacted]

Degree/Education	Issue Date	Year

POST Certifications		Issue Date	License #
BAS	Basic Certification	10/14/17	188466
INT	Intermediate Certification	01/22/18	136514

Course Summary

Title: BASIC BICYCLE COURSE 1 DAY **Control No:** 23823 **Hours:** 10.00

Start Date: 06/20/18 **End Date:** 06/20/18 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: THREAT ASSESSMT/DE-ESCALATION **Control No:** 20903 **Hours:** 10.00

Start Date: 04/04/17 **End Date:** 04/04/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: USE OF FORCE (DGO 5.01) **Control No:** SF237 **Hours:** 10.00

Start Date: 04/03/17 **End Date:** 04/03/17 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: ADVANCED OFFICER **Control No:** 00300 **Hours:** 40.00

Start Date: 02/27/17 **End Date:** 03/02/17 **Course Type:** Certified Technical **School:** SFPD

Comments:

Title: ESTOP **Control No:** SF230 **Hours:** 1.00

Start Date: 12/01/16 **End Date:** 12/31/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: BODY WORN CAMERA POLICY & TECH **Control No:** SF236 **Hours:** 4.00

Start Date: 09/19/16 **End Date:** 09/23/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: PREVENTING WORKPLACE HARASSMEN **Control No:** SF077B **Hours:** 3.00

Start Date: 04/29/16 **End Date:** 05/15/16 **Course Type:** Certification Required **School:** SFPD

Comments:

Title: OFFICER-INVOLVED SHOOTING AND **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/26/15 **End Date:** 05/26/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: ARRERSTS INVOLVING FIREARMS **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/20/15 **End Date:** 05/20/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

SFDPA - 0097-18 - 002407

Title: MONITORING OVERTIME (AMENDS DG **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/20/15 **End Date:** 05/20/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: CONTACT DNA COLLECTION AND TES **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/12/15 **End Date:** 05/12/17 **Course Type:** Certification Required **Advised Date:** 05-JUN-2015

Comments:

Title: "A" DEPARTMENT BULLETIN FOR 24 **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/11/15 **End Date:** 05/11/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: EVIDENCE RELATING TO VICE CRIM **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/07/15 **End Date:** 05/07/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: JUVENILE DETENTION DISPOSITION **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: CHANGES TO (DUI) TELEPHONIC SE **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: PROTOCOL FOR RELEASEOF POLICE **Control No:** DB2015 **Hours:** 1.00

Start Date: 05/05/15 **End Date:** 05/05/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: MANDATORY ON-LINE COMPLETION O **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/30/15 **End Date:** 04/30/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: AVOIDING THE "LAWFUL BUT AWFUL **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/27/15 **End Date:** 04/27/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: VEHICLE THEFT ABATEMENT (VTA) **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/22/15 **End Date:** 04/22/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: "A" PRIORITY RADIO CODE 913M - **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/20/15 **End Date:** 04/20/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: DMV CONFIDENTIALITY **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/17/15 **End Date:** 04/17/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

SFDPA - 0097-18 - 002409

Title: REPORTING REQUIREMENTS FOR CAL **Control No:** DB2015 **Hours:** 1.00

Start Date: 04/17/15 **End Date:** 04/17/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

Title: PURSUIT POLICY TRAINING **Control No:** RC2015 **Hours:** 1.00

Start Date: 02/24/15 **End Date:** 02/24/17 **Course Type:** Certification Required **Advised Date:** 26-MAY-2015

Comments:

End of Report

SFDPA - 0097-18 - 002410

DPA 0097-18

Summary of CSI Reports

SFPD Crime Scene Investigations Unit Scene Report (p.2-4 of 17)

- Authored by Officer Ray Ortiz #4189
- CSI Officers Ortiz #4189, Gamboa #1327, Barr #961, and Simpson #2137 responded to to 600 Block of Capp St.
- Officer Ortiz summarized the purpose of response, the scene description, observations, scene, and evidence collected.
    - Evidence included:
        - Black right hand glove
        - Several casing.
        - Bullet fragments
        - Bullets
        - Several officers' pistol magazines
        - Suspect's vehicle
        - Suspect's bloody firearm (located in trunk)
        - An unfired cartridge
        - Bean bags from an ERIW discharge
        - Deceased covered by a yellow sheet.
        - 9mm casing located on the street directly behind the trunk area of the suspect's vehicle.
- Several casings located in the interior of SFPD vehicle #067.
- 628 Capp St #102 had property damage
- Officer Gamboa and Simpson numbered all the evidence on scene.
- Officer Barr took photos and video of the scene.
- Lt Devlin, Officer Gamboa, and Officer Simpson responded to Mission Station to take photos of involved officers and collect department issued firearms and BWC.
- Scene was diagramed with Leica Digital Scanner and Leica Station System.
- Collected physical evidence was examined at the Hall of Justice, photographed, packaged and transferred to Property Control.

SFPD CSI Evidence Inventory & Processing

- Item 36: 1 9mm luger Winchester casing at Marker 26. Booked 3/7/18. Collected by 2137. (3 of 8)
- Item 37: 1 Bean Bag from ERIW at Marker 27 at scene. Booked 3/10/18. Collected by 2137. (p.4 of 8)
- Item 39: 1 Taurus Millennium TVG30029 Pistol at Marker 28 at scene. Booked 3/7/18. Collected by 2137. (p.4 of 8)
- Item 78: 1 Bean Bag from ERIW at 626 Capp St sidewalk. Booked 3/10/18. Collected by 2137. (p.7 of 8)

SFPD Firearm Information Report

- **Taurus Millennium 9mm (16 of 17)**
  - 10 rounds-TZZ 87 9mm-fmj-brass
  - 9 rounds inside magazine
  - 1 round chambered
  - 10 round capacity
  - Chambered loaded
  - Grips swabbed and booked on 3/8/18. DNA unknown.

- **Officer Smets #253**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-11 rounds
  - Spare mag 1: 12 rounds
  - Spare mag at scene.
  - 11 cartridges in magazine.
  - 24 total cartridges

- **Officer #987**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-11 rounds
  - Spare mag 1: 12 rounds
  - Spare mag at scene.
  - 11 cartridges in magazine.
  - 24 total cartridges

- **Officer #1306**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-1 round
  - Spare mag 1: 12 rounds
  - Spare mag 2: 12 rounds.
  - 1 cartridge in magazine.
  - 26 total cartridges

- **Officer Nagai #2017**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-6 round
  - Spare mag 1: 12 rounds
  - Spare mag 2: 12 rounds.
  - 6 cartridges in magazine.
  - 31 total cartridges

- **Officer #1469**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-4 round
  - Spare mag 1: 12 rounds
  - Spare mag 2: 12 rounds.
  - 4 cartridges in magazine.
  - 29 total cartridges

- **Officer #1104**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-11 rounds
  - Spare mag 1: 12 rounds
  - Spare mag 2 at scene.
  - 11 cartridge in magazine.
  - 24 total cartridges

- **Officer #2214**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-10 rounds
  - Spare mag 1: 12 rounds
  - Spare mag 2: 12 rounds.
  - Spare mag 3 at scene
  - 11 cartridges in magazine.
  - 35 total cartridges

- **Officer #2035**
  - Sig Sauer P226
  - 40 caliber
  - Ammo: Win 40 S&W-JHP-Steel
  - Magazine in well-4 round
  - Spare mag 1: 12 rounds
  - Spare mag 2 at scene.
  - 11 cartridges in magazine.
  - 24 total cartridges

- **Officer #4115**
  - Colt M4 Carbine (Co D Rifle #11)
  - Ammo: Winchester .233 REM
  - Round from chamber and magazine removed prior to CSI
  - Mag removed from well-24 rounds
  - 1 round removed from chamber
  - Spare mag 1: 30 rounds

    - 24 cartridges in magazine
    - 55 total cartridges

- **Officer #4132**
    - Colt M4 Carbine (Co D Rifle #16)
    - Ammo: Winchester .233 REM
    - Mag removed from well- 26 rounds
    - 1 round removed from chamber
    - Spare mag 1: 30 rounds
    - 26 cartridges in magazine
    - 55 total cartridges

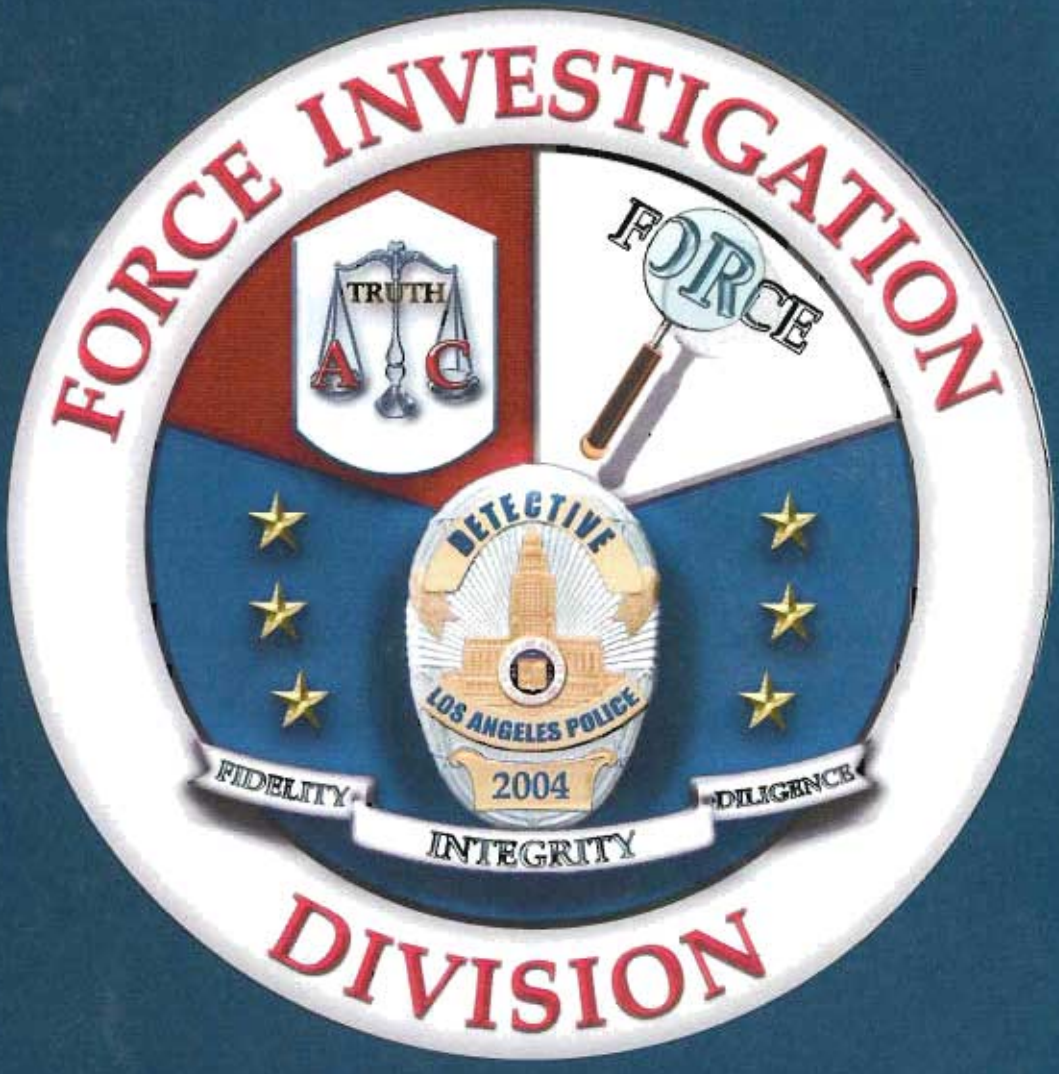
- **Officer #2097**
    - Remmington 870 ERIW (Co D ERIW #11)
    - Ammo: CTS 12 CTS 12
    - Mag tub – 1 shell
    - Spare Round – 7 shells
    - 1 cartridge in magazine
    - 8 total cartridges

SFPD Vehicle Processing Report- Honda Civic 3/18/18

- Processed all areas mentioned in SW.
- Photos taken and processed
- Processed latent prints w/ negative results.
- DNA (2 sample swabs from bloodstain in trunk) collected, preserved and booked for future lab analysis.
- Cellphone on driver seat. Booked for future data download.

SFPD Vehicle Processing Report- Honda Civic 4/8/18

- Photos taken
- No vehicle diagram attached
- 6 bullets and 1 metal fragment were in the trunk area
- 2 bullets under bag of dog food
- 2 bullets in spare tire well.
-



INVESTIGATIVE & REVIEW GUIDELINES

SFDPA - 0097-18 - 002415

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ADDENDA

Addendum No. 1	LAPD Office of the Chief of Police, Special Order No. 8, dated March 22, 2006.
Addendum No. 2	LAPD Force Investigation Division, Interview Guidelines.
Addendum No. 3	LAPD Force Investigation Division, Criminal Apprehension Team Guidelines.
Addendum No. 4	LAPD Force Investigation Division, Criminal Categorical Use of Force Report Checklist.
Addendum No. 5	LAPD Force Investigation Division, Administrative Categorical Use of Force Report Checklist.
Addendum No. 6	District Attorney Response Team (DART) Protocol Agreement, dated April 29, 2009.
Addendum No. 7	LAPD Office of the Chief of Police Notice, Obtaining a Public Safety Statement Following an Officer Involved Shooting Incident, dated February 15, 2007.

FORCE INVESTIGATION DIVISION
CATEGORICAL USE OF FORCE INVESTIGATION PROCEDURAL GUIDELINES

PREFACE

Contemporary societal factors and ever-emerging world issues will continue to require the response and reaction of professional law enforcement personnel to a variety of volatile situations necessitating the application of lethal and less lethal force to appropriately control suspects.

These critical use of force events will have to be thoroughly investigated in an unbiased, comprehensive and timely manner, as the administrative and criminal aspects of the incident will have a variety of impacts to involved personnel, the Department, prosecutorial agencies, the City of Los Angeles and even the nation.

To that end, Department management and investigators have the inherent obligation to ensure that the investigative process and the investigations are continually improving and taking advantage of all new technology, methodology and techniques by constantly looking at the technological, scientific, legal, academic and nation-wide law enforcement environments.

An all-inclusive cutting edge investigative process will not only help to ensure that Force Investigation Division's Categorical Use of Force investigations accurately explain what occurred during a use of force incident, but that the investigation will also withstand the scrutiny of subsequent reviews by auditing entities, adjudicatory boards and criminal and civil courts that will examine and rely upon its contents.

In essence, Force Investigation Division's investigative process should be viewed as flexible in order to accommodate the ever-changing depth and breadth of directed focus, scientific, technological and legal developments and investigative best practices and to produce the most comprehensive, thorough, accurate, unbiased and timely investigation possible.

This publication will serve as a guide for the Categorical Use of Force investigative process implemented by Force Investigation Division and the Los Angeles Police Department.

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1.0 INTRODUCTION

As a result of the Consent Decree between the City of Los Angeles and the United States Department of Justice, the Los Angeles Police Department (Department) established Critical Incident Investigation Division (CIID) as the entity responsible for investigating all Categorical Use of Force (CUOF) incidents. Although CIID was charged with conducting the administrative portion of the CUOF investigations, the criminal probe and the investigation of alleged misconduct associated with the incident were conducted by other Department entities.

Conducting separate investigations of the same incidents was well intentioned at the time CIID was established, but has since proven to be inefficient. The organizational separation has at times resulted in delays and inadequacies in the investigations, exposing the Department to criticism and, in some instances, non compliance with the mandates of the Consent Decree.

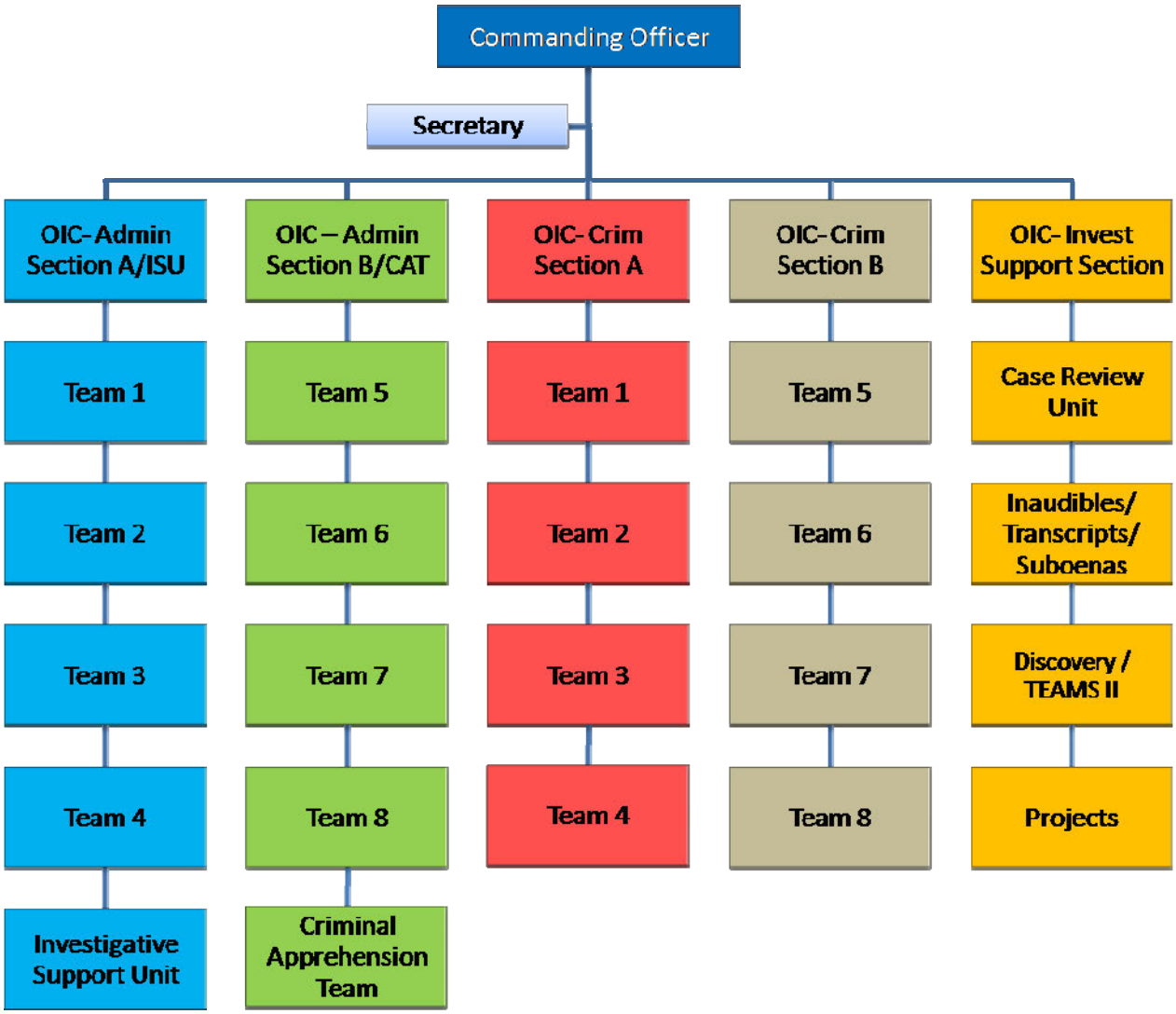
An important factor in achieving full compliance with the Consent Decree relied on the Department's ability to conduct thorough, objective and timely CUOF investigations. To that end, Force Investigation Division (FID) was created as the Department's sole entity responsible for investigating and reporting all aspects of a CUOF **(Addendum No. 1)**.

1.1 Categorical Use of Force defined

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
- All deaths while the arrestee or detainee is in the custodial care of the Department (also known as an In-Custody Death);
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization;
- All head strikes with an impact weapon (e.g., baton, flashlight, etc.);
- An incident in which a member of the public has an injury as a result of a contact with a Department canine and hospitalization is required.

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2.0 FORCE INVESTIGATION DIVISION ORGANIZATION CHART:



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3.0 FORCE INVESTIGATION DIVISION OVERVIEW:

Force Investigation Division is composed of:

- Office of the Commanding Officer;
- Criminal Investigation Section;
- Administrative Investigation Section; and,
- Investigation Support Section.

Force Investigation Division consists of two investigative components, Administrative Investigation Section and Criminal Investigation Section. These two investigative sections are responsible for conducting separate but coordinated investigations into each CUOF.

Conducting bifurcated administrative and criminal investigations under one command is an essential component for maintaining the integrity of CUOF investigations while protecting the rights of the involved officer(s) by ensuring that statements compelled from officers during the administrative investigation do not become associated with the criminal probe.

3.1 Office of the Commanding Officer

The Commanding Officer ensures that each CUOF investigation is completed in a thorough, comprehensive, timely and unbiased manner and is in line with the protocols set forth by the Chief of Police (COP), the Board of Police Commissioners (BOPC), and the Office of the Inspector General (OIG).

3.2 Criminal Investigation Section–Responsibilities.

3.3 At Scene:

At the scene of a CUOF, the following tasks are ultimately the responsibility of the Criminal Investigation Section; however, it is important the first arriving FID investigator ensure that they are accomplished as soon as practicable:

- Ensure that all Department protocols are followed;
- Identify the first responding supervisor;
- During an active scene with the search of a suspect, ensure that the involved and percipient officers are monitored and separated;

  Note: If the tactical incident is ongoing, ensure that the involved and critical percipient officers remain at scene to identify the suspect(s) if necessary. As long as the tactical incident is still active, FID detective personnel shall not assume responsibility for the incident.

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- Ensure that both inner and outer perimeters are established and clearly marked and are controlled with Crime Scene logs at all access points;

  Note: The outer perimeter should be delineated with yellow tape, while the inner perimeter will be determined by FID personnel and be delineated by red tape.

- Ensure all civilian witnesses' names and contact information are immediately provided to the Los Angeles County District Attorney's (DA) Justice System Integrity Division (JSID);
- Assemble FID personnel for the initial Public Safety Statement information from the supervisor who obtained it;
- Generate and/or review a scene diagram that depicts the positional relationship of pertinent structures and evidence;
- Coordinate and assign specific duties, such as crime scene management, scribe duties, hospital duties, witness identification and interviewing to FID personnel;
- Ensure accurate information is captured and updated on the Command Post strategy board;
- Identify and protect potential perishable evidence, such as trace and biological evidence, video evidence, etc;
- Immediately notify the involved officer(s)' Commanding Officer if compelling evidence exists to suggest criminal conduct by the officer(s);
- Update involved parties on the progression of events and prepare for percipient officer walkthroughs;
- Conduct positional walkthroughs with percipient officer(s);
- During the walkthrough, identify the officer(s)' and suspect(s)' positions with placards;
- Coordinate the taking of positional photographs by Scientific Investigation Division (SID) and FID Investigative Support Unit (ISU);
- Conduct a preliminary briefing and walkthroughs, if appropriate, with the representatives from the OIG and JSID and the involved officer(s)' Commanding Officer;
- Conduct the magazine counts of all involved officers;
- Ensure that SID and ISU take photographs of the percipient officers;
- Coordinate thorough evidence identification and collection with SID criminalists; and,
- Conduct interviews of the percipient officers **(Addendum No. 2)**.

  Note: If the officers cannot be interviewed at the scene, they should be admonished not to speak about the incident to anyone with the exception of their representative or FID personnel. ***This admonishment should be recorded.***

3.4 Immediate Follow Up

- Coordinate the timely interview of all witnesses;

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- Attend the autopsy of deceased suspect(s) and maintain liaison with the Los Angeles County Department of Coroner; and,
- Ensure that the confidentiality of the investigation is protected.

3.5 Investigation Completion

- Have a clear understanding of California Government Code Section 3300;
- Have a clear understanding of the California Penal Code, Health and Safety Code and other state and local laws;
- Gather all information relative to the CUOF;
- Read every transcript related to the CUOF;
- Note every conflict generated by witnesses' perspectives of the incident;
- Liaison with Area Detectives for any local crimes that require follow up;
- Collect and document all of the related reports and records for the addenda to support the summary;
- Maintain a chronological record of the investigative efforts;
- Liaison with SID Criminalists and Photographers to ensure that all pertinent reports are completed and distributed in a timely manner;
- Ensure the documentation of due diligence efforts for outstanding suspect(s);
- Complete a thorough and comprehensive written report; and,
- Liaison with the Case Review Unit (CRU) to ensure that the report is complete, thorough and error free.

3.6 Administrative Investigation Section-Responsibilities.

3.7 At Scene:

- Liaison with the Criminal Investigation Section during their investigation;
- Conduct the compelled walkthroughs and interviews of the involved officers;
- Ensure that search warrants to obtain evidence for the criminal prosecution of suspect(s) are complete; and,
- Coordinate with FID Criminal Apprehension Team (CAT) to facilitate the capture of outstanding suspect(s).

3.8 Immediate Follow Up

- Brief Command Staff on all immediate investigative concerns;
- Review the COP 24-hour Log for accuracy;
- Coordinate with the CAT to ensure proper and timely criminal filings;
- Ensure that the outstanding suspect(s) is pursued;
- Request all recordings of related radio frequencies, incident printouts and 911 calls from Communications Division;

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- Conduct a thorough debrief with all involved investigators;
- Coordinate with ISU in preparing the 72-Hour COP Briefing;
- Attend the autopsy of deceased suspect(s) and maintain a liaison with the Los Angeles County Department of Coroner; and,
- Ensure that the confidentiality of the investigation is protected.

3.9 Investigation Completion

- Have a clear understanding of California Government Code Section 3300;
- Have a clear understanding of the California Penal Code, Health and Safety Code and other state and local laws;
- Gather all information relative to the CUOF;
- Read every transcript related to the CUOF;
- Note every conflict generated by witnesses' perspectives of the incident;
- Liaison with Area Detectives for any local crimes that require follow up;
- Collect and document all of the related reports and records for the addenda to support the summary;
- Maintain a chronological record of the investigative efforts;
- Liaison with SID Criminalists and Photographers to ensure that all pertinent reports are completed and distributed in a timely manner;
- Ensure the documentation of due diligence efforts for outstanding suspect(s);
- Complete a thorough and comprehensive written report;
- Liaison with the CRU to ensure that the report is complete, thorough and error free;
- Liaison with Use of Force Review Division (UOFRD) and clarify any issues or concerns;
- Continue to liaison with the OIG and the DA's Office;
- Present the investigation results to the Use of Force Review Board (UOFRB);
- Review and concur with the UOFRB's report to the COP;
- Present the investigation findings to the BOPC;
- Respond to court for the criminal prosecution of the suspect(s);
- Ensure that FID responds to discovery demands of the court;
- Manage the CUOF casebook; and,
- Close out and package the investigation for retention.

3.10 Criminal Apprehension Team Responsibilities.

A critical part of the Administrative Investigation Section is the CAT, which is responsible for the apprehension and prosecution of suspects who commit crimes against police officers during CUOF incidents.

The CAT team works directly for the on scene FID Administrative Investigation Section Detective III and shall be responsible for:

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If the suspect(s) are in custody:

- Participating in critical suspect and officer interviews, canvassing efforts and scene management as dictated by the lead FID Administrative Investigation Section Detective and/or the OIC Lieutenant at scene;
- Completing the arrest report, booking, case filing and related follow up reports;
- Authoring any related warrants (e.g. search, arrest, etc.);
- Ensuring that warrants are properly served and appropriate pre/post warrant protocol is followed; and,
- Assisting the Los Angeles County DA's Office Crimes Against Police Officers Section (CAPOS) during subsequent case filing and criminal proceedings.

If the suspect(s) are outstanding:

- All of the above, as well as apprehension of the suspects; and,
- Seeking the assistance of other Department and non-Department resources, when necessary, to facilitate the suspect(s)' apprehension, i.e., Robbery-Homicide Division-Special Investigation Section (SIS), Area Detectives, Immigration and Customs Enforcement, and the FBI **(Addendum No. 3).**

4.0 FORCE INVESTIGATION DIVISION INVESTIGATION SUPPORT SECTION

The Investigation Support Section (ISS) provides a variety of different support functions to FID. Investigation Support Section staff handle administrative functions, including projects, timekeeping, case review, transcript inaudibles, Discovery, training, equipment and supplies. The staff is comprised of civilian personnel under the direction of a Senior Management Analyst II. Most of the functions of ISS are apparent. The Case Review, Discovery and Inaudible/Transcription Services Units are explained below, along with relevant specific details.

4.1 Case Review Unit Background

Incident documentation is a critical component of the investigation. Proof and protection comes from a solid report. Because minor errors may be interpreted as incompetence, at best, and dishonesty, at worse, a careful detailed review is essential. It is far too easy to "just read" a report while missing important errors or omissions. To prevent a superficial review and ensure high standards, quality and consistency, the ISS Case Review Unit (CRU) was formed as part of Force Investigation Division.

The CRU is staffed by police civilians and every investigation is processed through this unit. An audit instrument was designed to ensure that critical areas are thoroughly examined and each report is consistent. There are different requirements for each type of report and they have different audit instruments. By having a civilian review the report, it ensures there is no use of language that is not understandable or is offensive to a non-sworn person. For example, an

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officer may use the word push when he or she really means guided. This type of phrasing is corrected in CRU to make certain there is no misunderstanding by a reader.

4.2 Case Review Unit Process

Ideally, the reports are reviewed in an order that keeps the reviewer "clean." The CRU should get the criminal investigation that is to be presented to the JSID first. By reviewing the criminal investigation first, the reviewer can scrutinize a case without knowledge of compelled statements and any clarifications to the investigation will not be tainted. After the criminal investigation review is completed, the same analyst should, if possible, review the administrative investigation as well.

The investigations are forwarded to CRU after all peer review has been completed and the section officer-in-charge has read and approved it. The investigation should be complete with all addenda attached. Once the review process is finished, the report is returned to the investigating officer for edits and/or additional information. After all of the changes are made to the report, it is given to the Commanding Officer for review and signature.

4.3 Case Review Unit Procedures

The steps outlined below are the same for criminal and administrative investigations. The difference is the audit instrument, hereafter referred to as "checklist," that is used to verify the quality and completeness **(Addenda Nos. 4 and 5)**.

The CRU reviewer will ensure that the correct disclaimer is on the front page. If it is a criminal investigation, the statement should include the phrase "does not contain information from the involved officers." If it is an administrative investigation, the statement should include the phrase "contains information from the involved officers."

Review the face sheet of the report to ensure the FID number and type of incident are correct. Ensure the word "Confidential" appears on the bottom. Complete the cover page section of the checklist.

Review the table of contents (TOC) to verify that the page numbers of the items listed correspond to the correct page numbers in the report. Use the checklist to ensure the proper headings are included.

Review the addenda and compare them to the addenda list in the TOC. The title of the document should be spelled out completely and the dates should match. Scientific Investigation Division reports should reflect the date the report was *completed,* not when it was requested or started. Understand what is being included in the addenda to ensure its accuracy with the report.

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Read the investigation and confirm that all footnotes, investigator notes and addenda items are relevant to their placement. Review the diagram while reading to ensure its accuracy and to understand the location and directions. Pay special attention to noted conflicts and make necessary edits for accuracy and flow. Note in the margin any questions that arise during the review to discuss with the investigator.

Read the transcripts attached to the report. As you do so, compare the spelling of the name of the interviewee to the TOC and reconcile any differences. Make sure the number of pages in the TOC corresponds to the last (signature page) page of the interview. Make sure the witnesses are asked if the interview was conducted at a time and place convenient for them and that everyone in the interview room is documented on tape. If there are multiple civilians in the room, ensure that an explanation is included.

Complete a Summary of Statements Matrix with the FID Report Number.

Ensure that there is a disclaimer referencing the limitations of the matrix. For example: These are brief synopses of witness statements. They are not intended to paraphrase everything that was stated by the witness. Specifically, all tactical movements are not delineated. These synopses are provided to assist the reader to readily focus on his/her particular area of concern and allow a simplified review where appropriate.

Include only relevant information in the synopsis. This might include how the person became aware of the incident, what they did about it or what they saw or heard. For an officer, it might include the equipment he had available if it was a factor in the use of force. Include partner information and specific movements as they relate to the actual use of force. Discretion and thought are critical to providing enough information without including irrelevant details. For example, if the streets they drove on to arrive at the scene make no difference to the incident, simply include that they arrived at the scene, referencing time or activity.

Ensure that all relevant/significant discrepancies are noted in the summary of the investigation.

Make notes in the first column if you need to clear something up, confirm someone was interviewed, or clarify anything in the report. It is helpful to include a page/line number with the notation so you can find what you need again.

Read the investigation again to verify the summary accurately reflects the events. Read it mindfully, paying attention to words that may have accidently been omitted or used incorrectly. Simplify police jargon when necessary.

Discuss the findings with the lead investigator and/or supervising detective. After the concerns have been clarified, print a clean copy of the statement summary for the investigation.

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4.4 Discovery Unit Background

The Discovery Unit was formed to ensure only legitimate requests for information are honored. There has been much discussion within the Law Enforcement Community as to the level of protection Categorical Use of Force incidents should be given. The Los Angeles Police Department maintains that these documents are personnel records and therefore confidential and protected by state law.

4.5 Discovery Unit Process

Most discovery requests must be submitted on a Discovery Request Form or other authorizing document, such as a subpoena, as applicable. Exclusions include Internal Affairs Group Complaint Classification Unit and the Office of the District Attorney Crimes Against Police Officers Section. They require only a Discovery Request Form and e-mail request, respectively.

4.6 Discovery Unit Procedures

Upon receipt of a discovery request, the Discovery Coordinator compiles the documents and/or materials for reproduction.

As soon as the documents and/or materials are available and documented on a receipt, the requestor is notified. The person picking up the discovery material must sign a receipt form acknowledging receipt of the items.

A record of discovery requests is maintained electronically in a database and hard copies are filed by date.

4.7 Inaudibles/Transcription Unit Services

In an effort to maximize the time available for FID detectives to work on critical aspects of the investigation, the process of reviewing the transcribed statements for accuracy was reassigned to support staff. After each interview is recorded, Transcription Services personnel facilitate and track the processing of transcribed statements. When the transcripts come back from the transcriber, they are compared to the audio recording. This ensures they are accurate and any words that were deemed inaudible by the transcriber are listed if reviewing staff can understand what was stated. This report is connected with the transcript in the final report.

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5.0 CRIME SCENE MANAGEMENT

The FID detective in charge of the crime scene, generally from the Criminal Investigation Section, at an incident shall liaison with arriving Department personnel.

The Crime Scene Manager shall ensure that both inner and outer crime scene logs have been started and are repeatedly updated and that the officer(s) responsible for those logs are posted at *all* possible entry points.

> **Note:** The crime scene log officers shall be instructed that no one is allowed inside the inner perimeter without the express permission of the FID Crime Scene Manager.

Force Investigation Division detectives shall ascertain whether or not any canvassing was completed and collect all Field Interview Cards produced as a result of that initial canvass.

5.1 Scientific Investigation Division

The crime scene manager directs the SID personnel (i.e. criminalists and/or photographers) at the crime scene to ensure that the evidence and the scene are properly and thoroughly identified and documented.

5.2 Investigative Support Unit

The Investigative Support Unit, which is a part of the Administrative Investigation Section, is responsible for:

- Coordinating with FID detectives and SID personnel for proper identification and documentation of all evidence and other items germane to the incident;

> **Note:** ISU ensures that administrative and criminal investigation photographs are taken and stored separately.

- Conducting a gun exchange with the involved officer;
- Transporting the involved officer(s)' gun to SID Firearms Analysis Unit for proper testing;
- The return of the officer(s)' gun and ISU's loaner gun;
- Positional photographs of the involved and percipient officers;

> **Note:** The actual involved officers do not participate in the positional photographs.

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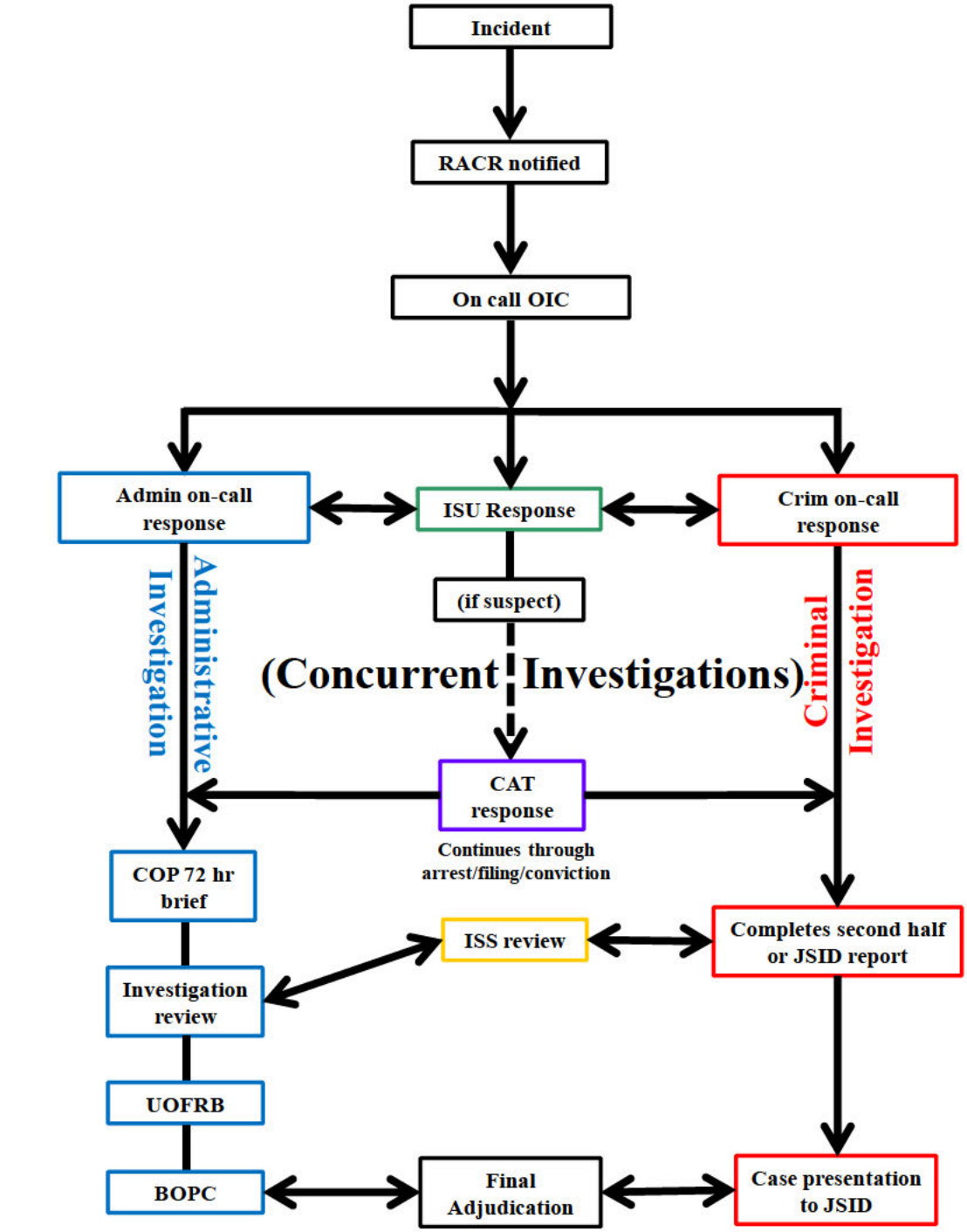
- Taking full length and facial photographs of the involved officers to depict their appearance at the time of the incident;
- Taking aerial overview photographs of the scene when appropriate;
- Observing all of the walkthroughs with FID detectives;

> **Note:** ISU personnel are observers for scene and presentation information and do not participate as investigators.

- Capturing scene measurements;
- Completing PowerPoint presentations on CUOFs for the COP, UOFRB, and BOPC;
- Editing and/or converting audio/video to appropriate format for investigative and PowerPoint purposes; and,
- Preparing media equipment for FID presentations to the COP briefing, UOFRB, and BOPC.

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6.0 INVESTIGATIVE PROCESS:



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7.0 MANAGING A CATEGORICAL USE OF FORCE INVESTIGATION

This section covers the responsibilities of the FID Commanding Officer (CO) or the Officer-in-Charge (OIC) at a CUOF investigation. Some of these duties are duplicated in this guide under investigative procedures. The ultimate responsibility, however, to ensure that all necessary investigative steps are followed rests with the FID CO or the OIC at scene. This section will provide management with a guide to be used during CUOF incidents.

7.1 Notifications and Response

Currently, Real Time Analysis and Critical Response Division (RACR) notifies the on-call FID lieutenant of the CUOF incident. The lieutenant then contacts the FID CO or the FID acting CO. After this notification, the lieutenant immediately notifies the on-call Detectives III from the criminal and administrative teams who, in turn, notify their team members and CAT and ISU, when appropriate. In addition, the on-scene lead investigator, along with the FID OIC, should analyze the need for and request additional resources, such as SID's Firearms Analysis Unit (FAU) on every Officer-Involved Shooting (OIS) and incident that necessitates a DA JSID response (**Addendum No. 6)**. Furthermore, the FID OIC requests RACR Division personnel to notify and dispatch a mobile command post vehicle whenever necessary.

It is the goal of FID personnel to arrive at the scene within one hour of notification. The first arriving FID investigator should ensure that patrol personnel have generated a crime scene log and have established a perimeter.

7.2 Initial Crime Scene Concerns

Upon arriving at a CUOF incident, the FID CO or OIC shall ensure that the crime scene is protected. This includes establishing an inner (depicted by red FID crime scene tape) and an outer perimeter (depicted with yellow police crime scene tape), each with a separate log. During ongoing tactical situations, there may be an occasion where the crime scene cannot be effectively contained. In those situations, the crime scene shall be protected as soon as practicable.

The FID CO or OIC shall assume investigative responsibility for every scene and ensure that unnecessary ingress and egress is prohibited in order to prevent evidence contamination. The FID CO or OIC shall also ensure that items of evidence are properly marked to prevent contamination or damage.

7.3 Investigation Responsibilities and Additional Resources

Depending on the circumstances, FID may require additional resources, including personnel from the geographic Area or other Department entities and other agencies outside the Department. It is the FID CO or OIC's decision and responsibility to request other Department resources when necessary.

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Note: An example of this may include a situation where FID would request the LAPD SIS's assistance to pursue the outstanding suspect.

Geographic Area and specialized investigation division detectives may be used to assist FID with investigations not involving crimes against the officers.

Note: If, for example, patrol officers pursued a stolen vehicle and, during the apprehension of the suspect, became involved in an OIS, the stolen vehicle follow-up investigation would be handled by Area detectives.

Force Investigation Division assumes investigative responsibility for crimes against police officers that occur as part of a CUOF. Force Investigation Division may request the assistance of other detectives at any phase of the investigative process. This may include processing the arrestee, canvassing the area for witnesses, and interviewing witnesses.

7.4 Public Safety Statement

The FID CO or OIC shall ensure that the supervisor who obtained the public safety statement remains at scene **(Addendum No. 7)**. After all FID personnel have arrived, the public safety supervisor shall provide public safety information to all those present. This may include representatives from the DA's Office and the OIG.

Note: Based upon case law, officers do not have the right to wait for representation before giving a public safety statement (New York v. Quarles, 467 U.S. 649 1984).

7.5 Investigative Assignments

After all FID detectives have arrived at the scene, the FID CO or OIC shall assign or delegate investigative responsibilities to the Detectives III. This will include a crime scene manager to work in concert with an SID FAU crime scene manager. In addition, detectives will be assigned to interview involved and witnessing officers, civilian witnesses, and the arrestee. Arrestee booking and witness canvassing shall also be assigned. If the mobile command post vehicle is present, the strategy board should be used to list all FID detectives and their assignments, along with the involved officers' names, ranks and serial numbers. The strategy board shall also list all pertinent personnel, including representatives from the DA's Office and the OIG. When the strategy board is completed, a photograph of the board should be taken for future reference and maintained in the case book.

7.6 Los Angeles Police Protective League (LAPPL)/Officer Representation Section (ORS)

After arrival at a CUOF scene, the FID CO or OIC shall ensure that there is communication between the LAPPL attorney, ORS, and the lead FID Investigator. It is imperative to conduct walkthroughs as soon as possible to avoid the issues of officer sleep deprivation and fatigue.

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7.7 Walkthroughs

Before any walkthrough occurs, the crime scene managers shall provide instruction regarding safe ingress and egress to prevent evidence contamination. When possible, the access routes should be marked. Additionally, the entire scene should be photographed prior to any walkthroughs to document all evidence.

Walkthroughs with the witnessing and involved officers are primarily for positioning purposes and should assist the witnesses with familiarizing them with the scene prior to their interviews.

The walkthroughs are not considered interviews; therefore, no notes are taken during the process and questions should be kept to a minimum.

If at some time during the process, the officer makes a statement of evidentiary value, the statement should be mentioned during the subsequent formal interview where it will be tape recorded.

If the officer makes an incriminating statement, the walkthrough should continue as planned (barring an objection from the officer's attorney) and Professional Standards Bureau should be notified as soon as practicable.

Prior to the walkthrough, the lead investigator should ask the officer if he/she will provide a voluntary statement. If the response is no, the lead investigator shall order him/her to cooperate and advise him/her that, for the purpose of the walkthrough and subsequent interview, anything he/she says will be viewed as a compelled statement. Only two investigators should ask questions during the walkthrough. Although it is important to limit the number of personnel during the walkthrough, the FID CO or OIC, assigned investigators, a representative from ISU and LAPPL and ORS personnel should participate in this process.

> **Note:** The exception to this occurs during the involved officer's walkthrough when Criminal Investigation Section personnel remove themselves from the scene.

After the witness officer(s)' walkthroughs of the scene, the FID CO or OIC shall provide a DA and DA Investigator with a walkthrough of the scene. After the representatives from the DA's Office have concluded their on-scene investigation, the FID CO or OIC shall ensure that they and all FID Criminal Investigation Section detectives have left the scene and, only after ensuring that no one involved with the criminal investigation is present, commence the walkthroughs of the involved officer(s). After the involved officer(s)' walkthroughs of the scene, the FID CO or OIC shall provide representatives from the OIG and the involved officers' Commanding Officer(s) with a walkthrough of the scene.

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7.8 Bifurcation Issues

Force Investigation Division initially handles cases in a bifurcated manner. After the preliminary investigation, the FID CO or OIC, in conjunction with JSID, may decide that the case does not require a separate criminal investigation. Justice System Integrity Division responds to CUOF incidents whenever any officer, on or off duty, shoots and injures any person during the course and scope of their employment, when there is an in-custody death (ICD) and force may be the proximate cause of death, or whenever there is a probable cause to believe that a crime occurred and there is reasonable suspicion to believe that a police officer committed it. Whenever there is a JSID response, FID must assume that the investigation will be bifurcated until the DA's Office submits a finding regarding the officer(s)' actions.

Force Investigation Division essentially has several investigative responsibilities. Included in these responsibilities are the investigation of the criminal actions of the suspect and the investigation of the actions of the officers to ensure that they had legal justification to use force. The final investigation is purely administrative and the officer(s)' tactics, drawing of the weapon, and force used are investigated.

In most FID cases, the CAT handles the criminal follow-up investigation of the suspect. Usually, the involved officers are the victims in the case and their statements are needed to prosecute the suspect. Since FID Criminal Investigation Section is not privy to the compelled statements of the involved officer(s), the responsibility for handling the arrestee shall remain with the FID Administrative Investigation Section and CAT detectives. This does not contaminate the process because a separate section of prosecutors, other than JSID, will handle the filing responsibility for the suspect.

When a case does not meet the requirements for JSID review, the bifurcation process is not necessary; however, the FID CO or OIC, in conjunction with the DA, must be extremely cautious in the early phases of a CUOF investigation not to prejudge a case based solely on the preliminary investigation. Videotapes, witness interviews, and physical evidence may fail to corroborate the officer(s)' version of the events and may require prosecutorial review. Therefore, all FID personnel should treat every case in a bifurcated manner until it is determined not to be a JSID case.

> **Note:** It is always a good practice to contact JSID in cases that ***may*** fall within the JSID review protocol in order to obtain their opinion as to whether they will review the case or not.

7.9 Command and Control

One of the Department's concerns is the proper command and control at the scene of a CUOF. Because of this, the Chief of Police has tasked FID investigators with reviewing command and control of certain CUOF incidents (generally protracted incidents involving ongoing decision making and deployment of tactical responses).

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Command and control is the exercise of authority and direction by a properly designated incident commander over assigned and attached personnel in the accomplishment of a mission. Command and control functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures employed by an incident commander in planning, directing, coordinating, and controlling personnel and operations in the accomplishment of a mission.

The Incident Commander (IC) is responsible for all aspects of the response, including developing incident objectives and managing all incident operations.

Each incident will dictate the depth of the questions needed to explore the command and control aspect of the investigation. The command and control portion of the investigation will center around the IC. The IC is responsible for directing and/or controlling resources. He/she is the overall manager of the scene. The IC can be of any supervisory or management rank. On smaller incidents, it can start as a field sergeant and transition to the Area captain. Larger incidents may have the bureau commander or deputy chief as the IC.

The investigator should first describe the entire incident command and establish who the final IC was. The investigator should ask who the first IC was, how the first IC declared that they were the IC, and how the transition to subsequent ICs was documented and communicated to subordinates.

The command and control component will focus first on the command issues. Some suggestions for questioning:

- Describe the type of incident;
- Who was the IC?
- How did you communicate the fact that you were the IC?
- What information was known to you about the incident?
- From whom did you receive the information?
- What decisions did you make and why?
- How did you document the information you received?

The second area to explore is what information the IC had at every step of the command and control process and what decisions were based on that information. Explore what information successive ICs received enroute to the incident and on arrival and from whom they received the information. The answers to these questions will create a framework for further interviews.

The command and control component should then focus on the control issues. Some suggestions for questioning:

- Describe the specific actions you took and when you took them (Timeline);
- How did you communicate the actions you directed?

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- How were your resources deployed during the incident?
- Who was your field supervisor?
- If there was a transition to a new IC, to whom and how was the transition accomplished?

These are guidelines and will not be applicable in all cases or in all investigations. The incident will dictate how far reaching the inquiry should be.

7.10 Investigative Support Unit

After the walkthroughs in an OIS, FID Criminal Investigation Section detectives shall conduct a magazine count. In addition to the FID Criminal Investigation Section and ISU personnel, a FID Administrative Investigation Section detective, as well as the involved officer(s)' attorney, are present. During the magazine count, the involved officer(s)' primary duty weapon is examined and the cartridges inside the primary weapon's magazine that was inserted into the weapon at the time of the OIS are counted. In addition, the cartridges in the officer(s)' remaining magazines are counted.

Note: All of the involved officer(s)' pistols, including back up weapons, shall be included in the magazine count.

Following the magazine count, ISU personnel shall then conduct a gun exchange with the involved officer(s). Investigative Support Unit will be responsible for transporting the gun to SID FAU and having the gun tested. Investigative Support Unit will then return the gun to the involved officer.

Investigative Support Unit will also take full length and facial photographs of the involved officers to depict their appearance at the time the incident occurred. The Investigative Support Unit is also responsible for the positional photographs after the walkthroughs. The positional photographs assist the FID investigator with showing the officer(s)' point of view to the COP, UOFRB, and BOPC.

The actual involved officers do not participate in the positional photographs. Usually officers guarding the perimeter and FID personnel of similar size, height and appearance are used in the positional photographs. Investigative Support Unit personnel will receive guidance and instruction from detective personnel regarding photographing items of interest at the scene and ensuring that all necessary crime scene Administrative and Criminal Investigation Section photographs are taken.

7.11 Media Release and 24 Hour Log

Representatives from Media Relations Section are usually present at major incidents to handle media inquiries. If not, the FID CO or OIC may be required to handle these inquiries. It is crucial that no information be released without first discussing it with the lead detective

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supervisor to avoid compromising the investigation. It is also important to avoid releasing any compelled information to avoid compromising the JSID investigation.

Additionally, the OIC should complete a 24 hour log as soon as possible, preferably before the end of watch. The 24 hour log is critical for the COP, as well as staff and command officers, to learn about the incident as soon as possible. The FID CO's secretary will ensure proper distribution through an established email tree. This tree includes all commanding officers in geographic Areas and specialized divisions, so they can apprise their personnel about the CUOF incidents occurring throughout the City.

8.0 FORCE INVESTIGATION DIVISION CATEGORICAL USE OF FORCE REPORT

This report is the most critical of the documents prepared by investigators. Adjudicators and reviewers depend on the accuracy, thoroughness and objectivity of the report to make sound and objective decisions about officer(s)' actions during a CUOF.

In an effort to increase an investigation's thoroughness, consistency and quality, a set of guidelines was established to detail the contents of each section contained in the CUOF report.

8.1 Report Face Sheet

The face sheet of the investigation includes the following information:

- The FID incident number;
- The type of incident;
- Crime, if any, committed by the suspect identified by criminal code section and descriptor;
- The involved suspect(s)' full name, gender, race, age and injuries;
- The involved officer(s)' full name, serial number, and the Area or Division of assignment at the time of the incident;
- The date and time of the incident;
- The address or location of occurrence;
- The Los Angeles Police Department Area of occurrence;
- The Reporting District (RD) of the occurrence;
- The assigned investigative team members, by rank, first initial, last name, serial number; and section of assignment; and,
- The confidential nature of the report.

8.2 Table of Contents

The TOC reflects the report's organization and allows the reader to easily locate specific information. The TOC lists the various sections of the report and references the associated page numbers. Transcribed statements are referenced by the officers' and witnesses' names and the

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specific contents of the addenda are also listed in the TOC. The page numbers are not bolded and it is important to use the tab function so the page is formatted properly.

8.3 Criminal Investigation Summary

The Criminal Investigation Summary will only be completed on CUOF incidents that are presented to JSID for review or as directed by the CO.

The Criminal Investigation Summary provides the reader with a chronological overview of the CUOF incident and is based on witness statements and physical evidence. The overview should include the sequence of events which led up to the CUOF, the CUOF incident and the sequence of events immediately following the CUOF.

The summary should be written in third person, past tense, and should include indented notes that reflect conflicts in the investigation. Additionally, the summary should include the names, ranks, serial numbers and divisions of assignment of pertinent involved and non-involved officers, whether they were in uniform or plain clothes, and what kind of vehicles, if any, the officer(s) used.

Any other information deemed significant by the investigating officer may be included in the criminal investigation summary.

> **Note:** Both the criminal and administrative summaries should include photographs and diagrams depicting suspects, locations, weapons and other items relevant to an investigation.

8.4 Administrative Investigation Summary

The administrative summary provides the reader with a chronological overview of the entire incident. It is based on the physical evidence, witness statements and the statements of the involved officers.

> **Note:** Conflicts should be highlighted as indented notes.

The summary should be written in third person, past tense. The summary should include the names, ranks, serial numbers and divisions of assignment of pertinent involved and non-involved officers, whether they were in uniform or plain clothes, and what kind of vehicles, if any, the officer(s) used. The summaries should list all required equipment the officer(s) had with them, such as a ballistic vest and asp or baton. After the involved officers are introduced in the summary and a footnote with the officer(s)' age, height, weight, and tenure with the Department should be included.

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The summary should address in detail the areas to be adjudicated by a UOFRB, including the tactics before, during, and after the CUOF, the decision to use a particular weapon, the drawing and exhibiting of a firearm, and the decision to use force.

The summary should also document the supervisory and administrative issues regarding the separation and subsequent transportation of the involved and percipient personnel. The summary should also address important evidentiary issues or any item or action that played a significant role in the incident.

8.5 Scene Description

The scene description is intended to provide the reader with a detailed description of the physical layout of the incident location and immediate surroundings. Structures, objects, vehicles, landscape and environmental conditions that play a role in the incident should be accurately described. Lighting conditions should be described in this section, including lighting devices and type and power, if known, and measured distances from the involved officer(s)' approximate position at the time of the incident. The lighting should be described fully, but a personal opinion about the quality of the lighting should not be rendered. The property, neighborhood, bordering streets, and weather should be described. This section will generally begin with, "At the time of the investigation…"

8.6 Canvass for Witnesses

The area canvassed (hundred blocks, etc.) should be described, including who did the canvass and what was done with the field interview cards. For example:

> *Pursuant to the preliminary crime scene investigation, Southeast Patrol Division officers and FID personnel conducted a canvass of the neighborhood in an effort to identify any witnesses to either the murder or the subsequent OIS. The parameters of that canvass were:*
>
> - *The 11600 block of Belhaven Street (between Clovis Avenue and the dead-end);*
> - *The 900 block of East 116th Street (between Clovis and Wadsworth Avenues);*
> - *The 900 block of East Imperial Highway (between Clovis and Wadsworth Avenues).*

The canvass effort was documented on Field Interview (FI) cards and submitted to the Southeast Homicide investigators, with copies maintained in both the FID Criminal and Administrative Investigation Section casebooks.

All witnesses shall be tape recorded and the interview transcripts shall be included in the report.

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8.7 Suspect Information

This section is used to document the following information regarding the suspect(s):

- Full, true name, if known, and all monikers and aliases;
- Gender and race;
- Age, height, weight (use coroner information if deceased);
- Hair and eye color;
- Actual date of birth, along with any others used by the suspect;
- Current residence address;
- Identifying numbers, such as Criminal Information Index, Driver License or Identification Card, Master Automated Index, LA, FBI, Social Security, and California Department of Corrections;
- Documented gang membership;
- The suspect(s)' criminal history, including the number and types of crimes for which the suspect(s) has been arrested, and the numbers and types of convictions;
- Parole/Probation status, including supervising agent and office;
- The actions taken against the suspect(s), if arrested, including booking charges and location of booking; and,
- Criminal filing information, including date and time, when the detectives presented the case, the name of the filing deputy, complaint number, and complaint allegations by the number of counts, the Penal Code Section and description.

8.8 Injuries

This section is used to document the injuries sustained by each person during the incident. Generally, the order for the injury description is suspect(s), civilian(s), and then officer(s). Each category should begin with the Fire Department Rescue Ambulance information and should include the following:

- Date and time the Fire Department received the notification;
- Unit number of the Rescue Ambulance or Fire Unit assigned to the incident;
- Time the Rescue/Fire Units arrived on scene;
- Brief description of the actions taken by Fire Department personnel upon their arrival, including medical treatment or examination, and time and determination of death, including the name of the person who determined death;
- Name of the hospital and time of arrival;
- Name of the doctor who provided treatment;
- A description of the medical condition and injuries as stated by medical personnel;
- Name, rank and serial number of Department personnel who accompanied the injured person(s) to the hospital;
- Photographs of injuries;

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- The Control ("C") number for injury photographs; and,
- For the injured officers, the date and time they were put off duty and the date, or expected date, of their return to duty.

If the suspect is deceased, the coroner's information should be documented after the Fire Department information. This section should include:

- Assigned Coroner's Investigator's name and serial number;
- The time of arrival of Coroner's personnel;
- A description of the actions taken by Coroner's personnel;
- Any numbers associated with the tests performed;
- Where the body was taken; generally, the Los Angeles County Forensic Science Center; and,
- The Coroner's case number.

8.9 Autopsy

This section should contain information regarding the Coroner's post mortem examination of the decedent's body and should generally be documented as follows:

- Date and time of the examination;
- Name of the deputy medical examiner who conducted the examination;
- Attendees at the post mortem;
- Medical Examiner's conclusion as to the cause of death;
- A description of the biological samples collected during the examination for later analysis, i.e. blood, tissue, urine;
- A description of wounds and injuries, including trajectory, if known, and the coroner's conclusions about whether or not the wound was fatal; and,
- A description of any evidence recovered during the examination, i.e. bullets, fragments, or other physical evidence, and its location.

The complete Coroner's Autopsy Report shall be attached as an addendum.

Toxicology analysis should be documented as follows:

- Name and title of the person who conducted the analysis;
- Brief description of analysis done to each sample;
- Results of the analysis; and,
- Date and time the analysis was completed.

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Gunshot Residue Kits should be documented as follows:

- Date and time of analysis:
- Kit number;
- Name and title of the person who conducted the analysis; and,
- Brief description of the results.

8.10 Clothing Analysis

Proper clothing analysis can provide insight into a variety of physical elements that lend clarity to things such as wound location, bullet trajectory, and muzzle to target distance. Blood and fiber, as well as other trace evidence, are often found on clothing. This section is used to describe articles of clothing that have evidentiary value and documents the examinations and analyses of the clothing, as well as the results of the analyses. The sequence of clothing documentation should be the suspect(s), other person(s), and then officer(s). The following information should be included:

- Identity of the person wearing the clothing at the time of the incident;
- Description of the clothing articles that were analyzed;
- Date and type of analysis;
- Title, name, serial number, section or division of the person who conducted the analysis; and,
- Results of the analysis for each garment, including ballistic damage and location of defects.

This type of analysis is generally completed by SID FAU, who will issue a detailed report, with diagrams, on the analysis. The SID Report shall be attached as an addendum.

8.11 Weapons

This section should document all the weapons related to the incident. The sequence of weapon documentation should be the suspect(s), other person(s), and the officer(s). The weapons should be documented by type, description, possession or location, the condition at the time of the recovery, and ownership.

Following the order referenced above, the following information about each weapon (if applicable) should be documented separately:

- The identity the person who possessed or used the weapon during the incident;
- Make, serial number, caliber, model, finish, barrel length, type of weapon, type of grips, and any other distinguishing feature;
- Capacity of the magazine;
- Type of knife and blade length;

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- Condition of the weapon upon recovery, including how loaded;
- A description of visual problem or malfunction;
- Results of the Automated Firearms System inquiries, including owner or registration information;
- Results of the Alcohol, Tobacco, Firearms and Explosives firearms trace;
- Date and time any test or analysis was performed on the weapon;
- The identity of the person conducting the analysis by title, name, serial number, and section or division; and,
- A description of each test performed and the results. Suggested tests include, but are not limited to, latent prints, trace evidence, test fire for functional capability and ballistic comparison, and distance determination.

The following information, about officer(s)' weapons, including back up weapons, should be included in addition to the information above:

- How the weapon was loaded prior to the use of force;
- A description of the ammunition and whether Department approved or not;
- Type of holster the weapon was carried in;
- Date, time, and name of the detective conducting the magazine count;
- Date, time, and name of the detective who contacted the Department Armorer to verify that the weapon was listed on the officer's equipment card;
- Results of the Armory check and the name of the person who provided the information; and,
- Dates of training for UPR, slug shotgun, asp, and .45 caliber semiautomatic pistol transition school, if applicable.

Also describe the officer(s)' use of a firearm by documenting:

- The officer(s)' shooting stance;
- Number of rounds fired;
- Directions the rounds were fired;
- Distance to the intended target; and,
- Shooting background.

If a TASER was used, the information from the weapon's history printout should be included.

8.12 Firearms Analysis

This section is used to document the examination of the incident scene, including all involved structures, objects and vehicles, for ballistic evidence. This section should also describe the specific analysis performed on all recovered ballistic evidence and the analysis results. The results should be summarized and referenced. It is not necessary to repeat the firearms report

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verbatim. When appropriate, reference the specific page of the report, such as when referring to a diagram. The sequence of information should generally be documented as follows:

- Date and time the examination of the scene was conducted;
- The title, name, serial number, section or division of all persons involved in the examination;
- A description of the type, number and location of ballistic evidence;
- The trajectory of ballistic impacts on structures, objects and vehicles;
- The identity of who recovered or observed the ballistic evidence;
- Date of any analysis on ballistic evidence;
- The type of examination that was conducted;
- The identity of who performed the analysis; and,
- The results of the analysis.

8.13 Evidence

This section is used to document all the items of evidence that were collected and booked as part of the investigation. It should include the total number of items, followed by a listing of the items in a paragraph format. For example:

> *"A total of 25 items of evidence was recovered and booked in conjunction with this incident. The items included: .45 caliber expended cartridge cases, 9mm expended cartridge cases, a jacket, trousers, underwear, shoes, narcotics paraphernalia, a test fired bullet and cartridge cases."*

8.14 Visual Documentation

This section is used to document all photographs and video taken for the investigation and any other photographs or video obtained from other sources. It should include the photographer(s)' name, serial number, section or division of assignment and whether the photographs were taken at the direction of Criminal or Administrative Investigation Section detectives.

It should also include:

- Any Control numbers ("C") assigned to any photographs;
- A description of any video obtained, either from the media, surveillance cameras, in-car video cameras, bystanders or police officers, including what can be seen on the video, where it is vaulted, and any tracking numbers;
- If the video was shown to the involved officers, it should be noted in this section.

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8.15 Vehicles

This section is used to document all vehicles that either sustained damage or played a role in the incident. Police vehicles should only be documented in this section if they sustained damage. The sequence for vehicle description should be the suspect(s)' vehicle(s), private vehicle(s) and police vehicle(s). The information should include the following:

- The role of the vehicle, i.e. the vehicle driven by Suspect Jones during this incident was…;
- A description of the vehicle by year, make, model, color, and license number;
- The vehicle registration information, such as name, address, and city;
- Results of the computer check on the auto status;
- A description of the condition of the vehicle if it was damaged during the incident;
- The tow operator and the location of the vehicle, if it was towed;
- Actions taken regarding the vehicle, i.e. photographed, held for prints, or held for evidence; and,
- Final status of the vehicle, i.e. released at scene or the date the vehicle was made available for release.

8.16 Notifications (Administrative Investigation Section only)

This section is used to address all notifications made at the time of the incident. Specific individuals need not be identified in this section as long as FID has the information on file. For example:

> *"Information pertaining to notifications for the Categorical Use of Force is contained within the FID Administrative Investigation Section files and is available for review."*

8.17 Personnel at Scene (Administrative Investigation Section only)

This section is used to identify all personnel who responded to the scene and who had specific duties. Specific individuals need not be identified in this section as long as FID has the information on file. For example:

> "*Information pertaining to personnel at the scene of the Categorical Use of Force is contained within the FID Administrative Investigation Section files and is available for review."*

8.18 Communications

This section documents the communication records relative to the incident, including that the Communications Division computer generated incident history for the incident is on file at FID

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and the storage numbers for the Communications Division master compact discs for the involved Area and tactical frequencies.

8.19 Justice System Integrity Division

This section is used to provide information related to the presentation of the criminal case to JSID or that the case did not meet JSID criteria. It should include the name of the detective presenting and the date presented to JSID, along with identifying information for the attorney at JSID. For example:

> *"This case did not meet the criteria established by the District Attorney's Office for JSID review or filing consideration."*
>
> Or
>
> *"On September 9, 2008, Detective John Smith, Serial No. 12345, presented the case to JSID Deputy District Attorney Corene Locke-Noble for filing consideration. Results are still pending."*

8.20 Related Reports

This section identifies all reports that were prepared in conjunction with the incident that were not used as addenda in the final report and should state that the documents are on file at FID. For example:

> *"The following reports were prepared in conjunction with this incident and are on file at FID:*
>
> 1. *Los Angeles Police Department, Combined Crime and Arrest Report, Arrestee: Jose Diaz, Booking No. 1234567, DR No. 08-1329297, dated June 28, 2008."*

8.21 Investigator's Notes

This section contains notes that are numerically referenced throughout the report to clarify any portions of the report or to explain why an action was or was not taken.

8.22 Signature Block

This section follows the Investigator's Notes section and includes a signature block for the section officer-in-charge and the Commanding Officer, FID.

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Force Investigation Division Seal Heraldry

Each symbol and color in the FID seal has special significance. The large blue field represents Loyalty and Justice. The red field represents Courage and Strength, and the white field represents Light and Truth.

Fidelity, Integrity and Diligence describe some of the attributes FID investigators possess in completing their mission.

The creation of FID in 2004 is commemorated in the number field on the badge.

The six stars represent the Core Values of the Los Angeles Police Department.

The magnifying glass over the word "Force" represents the task of investigating Categorical Uses of Force as mandated by the Consent Decree.

The scales balancing the letters "A" and "C" represent the perfect balance of the bifurcated system where the Administrative and Criminal Investigation Sections of the Division both strive to bring the truth to light in their investigations. The shield behind the scales represents the protection of the officer and citizen rights maintained through the investigations completed by the Division.

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OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 8 **March 22, 2006**

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON MARCH 21, 2006

SUBJECT: FORCE INVESTIGATION DIVISION - ESTABLISHED

PURPOSE: As a result of the Consent Decree between the City of Los Angeles and the United States Department of Justice, the Department established Critical Incident Investigation Division (CIID) as the entity responsible for investigating all Categorical Use of Force (CUOF) incidents. Although CIID was charged with conducting the administrative portion of CUOF investigations, the criminal probe and the investigation of alleged misconduct associated with the incident were conducted by other Department entities.

Conducting separate investigations of the same incident was well intentioned at the time CIID was established, but has since proven to be inefficient. The organizational separation has at times resulted in delays and inadequacies in the investigations, exposing the Department to criticism, and in some instances, non-compliance with the mandates of the Consent Decree.

An important factor in achieving full compliance with the Consent Decree relies on the Department's ability to conduct thorough, objective and timely CUOF investigations. To that end, this Order deactivates CIID and activates Force Investigation Division (FID) as the Department's sole entity responsible for investigating and reporting all aspects of a CUOF.

All previous references to CIID shall be replaced with FID. Upon its publication, the 2005 Department Manual made reference to FID but did not include the updated organization, functions and responsibilities. This Order updates the organization, functions and responsibilities of FID and supercedes all previously published references to CIID and FID.

PROCEDURE:

I. **CRITICAL INCIDENT INVESTIGATION DIVISION – DEACTIVATED.** Critical Incident Investigation Division is hereby deactivated.

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II. **FORCE INVESTIGATION DIVISION – ACTIVATED.** Force Investigation Division is activated and operates under the direction of the Commanding Officer, Professional Standards Bureau (PSB).

III. **FORCE INVESTIGATION DIVISION – FUNCTIONS.** Force Investigation Division is responsible for investigating all aspects of CUOF incidents and any other investigation at the direction of the Chief of Police (COP). A CUOF is defined as:

* An incident involving the use of deadly force by a Department employee;
* All uses of a carotid restraint control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
* All deaths while the arrestee/detainee is in the custodial care of the Department, commonly referred to as an in-custody death;
* A use of force incident resulting in death;
* A use of force incident resulting in an injury requiring hospitalization;
* All head strikes with an impact weapon (e.g., baton, flashlight, etc.);
* An incident in which a member of the public is bitten by a Department Canine and hospitalization is required (although investigated in the same manner as a CUOF, a canine bite is not considered a use of force); and,
* Incidents where the Department has agreed to conduct similar investigations for a non-Department entity, such as the Los Angeles Fire Department Arson Unit.

When an animal shooting and/or non-tactical accidental or negligent discharge of a firearm occurs, Area/divisional personnel shall notify FID and Real Time Analysis and Critical Response Division (RACR). Unless unusual circumstances exist, chain of command supervisors from the involved officer's Area/division will be directed to conduct the investigation.

IV. **FORCE INVESTIGATION DIVISION – ORGANIZATION AND ASSIGNMENT.** Force Investigation Division is composed of:

* Office of the Commanding Officer;
* Criminal Investigation Section;
* Administrative Investigation Section; and,
* Investigative Support Section.

Sworn personnel assigned to FID shall be selected in accordance with Department Manual Section 3/763.70.

A. Force Investigation Division – Commanding Officer. The Commanding Officer, FID, under the direction of the Commanding Officer, PSB, has line command over FID.

B. Criminal Investigation Section – Responsibilities. When conducting a CUOF investigation, Criminal Investigation Section shall be responsible for:

* Conducting the preliminary investigation of any crime associated with an incident for which FID has investigative responsibility;

Exception: In cases where the crime committed by the civilian suspect(s) is not against the involved officer (e.g., driving a stolen vehicle), Area detectives may, at the discretion of FID, be assigned the responsibility for investigating the criminal components of the case and conducting the related follow-up investigation. Additionally, at the discretion of the Commanding Officer, PSB, Robbery-Homicide Division may continue to investigate incidents where an employee is killed or seriously injured as a result of being the victim of, or suspect in a crime.

* Conducting the criminal investigation, if appropriate, of the actions of the officer(s) involved in a CUOF incident;
* Taking charge of the scene of a CUOF incident;
* Interviewing civilian and non-involved Department employee witnesses;
* Investigating any incident involving a sworn officer from an outside agency who uses deadly force within the City of Los Angeles; and,
* Investigating any other incident at the direction of the COP.

C. Administrative Investigation Section – Responsibilities. The Administrative Section shall be responsible for:

* Liaising with Criminal Investigation Section during their investigation;
* Conducting the compelled interviews and walk-throughs of involved officers;

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* Completion of the arrest, booking, reporting and investigative follow-up of a suspect involved in the CUOF incident;

Note: In order to protect statements which may be contained in an arrest report and were provided by victim officers involved in the CUOF incident, the Administrative Investigation Section shall handle the arrest and booking of civilian suspects, except in those cases where Robbery-Homicide Division or Area Detectives are responsible for the follow-up criminal investigation.

* Completion of the administrative CUOF Report; and,
* Presenting the findings of the CUOF investigation at Use of Force Review Board hearings.

D. **Investigative Support Section - Responsibilities.** Investigative Support Section will be responsible for the following at the direction of the Commanding Officer, FID:

* Tracking and reviewing all FID investigations;
* Conducting quality assurance audits and research projects; and,
* Providing investigative analysis and statistical information for FID investigations.

Additionally, the Officer in Charge, Investigative Support Section, will oversee administrative functions such as personnel, training and overtime.

V. **FORCE INVESTIGATION DIVISION – SPECIAL DUTIES.** Force Investigation Division is responsible for the following special duties:

* Attending all autopsies resulting from incidents within their investigative responsibility;
* Providing the Department of Justice, Bureau of Criminal Statistics, with written notification for each adult in-custody death within ten days of occurrence;
* Providing the State of California Board of Corrections with written notification and all requested information for each in-custody death of a detained juvenile;
* Maintaining files and reports pertaining to CUOF and animal shooting/non-tactical accidental or negligent discharge of a firearm investigations;

* Acting as a liaison with the District Attorney's Office and the Office of the Inspector General at the scene of a CUOF incident and throughout the investigation;
* Responding to Subpoena Duces Tecum requests and other court orders that pertain to FID criminal investigations and records; and,
* In all cases where an individual sustains a gunshot wound, and in other FID cases as appropriate, notifying Media Relations Section, Public Information Office.

VI. NOTIFICATIONS AND INVESTIGATIVE GUIDELINES.

A. Required Notifications Following a Categorical Use of Force Incident.

1. **Area Watch Commander/Incident Commander.** Upon learning that a CUOF has occurred, the Area watch commander/Incident Commander shall ensure that RACR Division is notified in addition to their commanding officer, the commanding officer of the Area of occurrence and the appropriate Bureau commanding officer. Guidelines for making this notification are clearly delineated in Department Manual Section 3/794.35.

2. **Real Time Analysis and Critical Response Division.** When contacted by the Area watch commander/Incident Commander that a CUOF incident has occurred, RACR shall make notifications to the following entities:

   * Force Investigation Division (or the designated on-call FID team during non-business hours);
   * Office of the Chief of Police or his designee;
   * Chief of Staff;
   * Office of the Inspector General on behalf of the Board of Police Commissioners;
   * Commanding Officer, Professional Standards Bureau;
   * Los Angeles District Attorney's Office for those cases identified in the "roll-out" protocol governing such notifications; and,
   * Risk Management Group.

B. Categorical Use of Force Investigations.

1. **Response and Crime Scene Responsibilities.** Force Investigation Division shall be available to respond 24-hours a day to incidents for which it has investigative responsibility. Upon receiving notification of an incident, an FID investigator shall promptly respond to the scene.

   When multiple investigating entities are present (i.e., Area detectives), the senior FID member present shall have overall command of the crime scene and the on-scene investigation. This does not preclude the Chief of Police or his designee from assuming command when there is a specific need to do so.

2. **Force Investigation Division Investigative Guidelines.** Force Investigation Division investigators shall follow established Department procedures for investigating all incidents for which it has investigative responsibility. Additionally, FID investigators shall:

   * Record all interviews (i.e., audio or video recording) of involved officers and witnesses (if not recorded, provide justification);

   Note: Whenever possible, recorded interviews should include a complete record of the interview including a preamble and interview conclusion.

   * Interview civilian witnesses at locations and times convenient to the witnesses, whenever it is practical and appropriate;
   * Prohibit group interviews;

   Note: If the subject of the use of force or a civilian witness was not interviewed separately, document that the witness (s) was not interviewed separately along with an explanation.

* Interview all involved supervisors (applies only to those actively involved in managing the scene) regarding their management of the scene during the incident;
* Coordinate the collection and preservation of all appropriate evidence, including canvassing the scene to locate possible witnesses if appropriate;
* Ensure that all officer's and suspect's injuries are photographed (if no photographs are taken provide an explanation why); and,
* Identify and document all inconsistencies in officer and witness interview statements.

3. **Investigations Involving Allegations of Misconduct.** Whenever an FID investigation identifies an allegation(s) of misconduct, the officer in charge of the FID investigation shall ensure that a Personnel Complaint, Form 1.28, is completed in accordance with Department policy. The officer in charge of the FID investigation shall cause the COP, or his designee, and the Commanding Officer, PSB, to be notified regarding allegation(s) of serious misconduct.

4. **Test Firing of Firearms Used in Categorical Use of Force Incidents.** As part of Categorical Use of Force Investigation protocol, FID investigators will retain any firearm discharged by an officer during a CUOF incident so that ballistic testing of the firearm can be completed. The involved officer will receive a replacement firearm from FID until his/her firearm is returned. The firearm will be returned to the involved employee immediately after testing is completed.

   In certain instances, it may be necessary to obtain all or portions of the involved officer's leather gear.

VII. FORCE INVESTIGATION DIVISION - UNIT DESIGNATION. The radio designation for the Commanding Officer, FID, shall be identified by the word "commander" followed by "7D." All other FID personnel shall be identified by "7D" followed by the numerical designation assigned by the Commanding Officer, FID.

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VIII. CORRESPONDENCE REFERENCE NUMBER, FORCE INVESTIGATION DIVISION. Force Investigation Division is assigned correspondence Reference Number 13.1. Official correspondence addressed to, or initiated by, FID shall bear the assigned reference number.

AMENDMENTS: All previous Volume 2 references to Force Investigation Division have been amended to reflect the recent Department Reorganization. For reference, the functions of Force Investigation Division are outlined in 2005 Department Manual Sections 2/255 – 2/255.20. In addition, this Order amends Sections 3/409.20, 3/794.10, 14, 20, 25, 30 and 32, 3/794.35-39, 3/796.01, 05 and 08, 4/110.20, 4/204.80, 4/214.50, 4/238.35-36, 4/245.05 and 11, 4/648.14, 5/030.50 and 5/080.96 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, PSB, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"

FORCE INVESTIGATION DIVISION INTERVIEW GUIDELINES

CONSIDERATIONS

- ❑ Ensure that involved officers and witnesses have been separated.
- ❑ Ensure that officers remain separated until statements are given.
- ❑ Tape-record all interviews.
- ❑ Do not conduct group interviews. Explain if there is a deviation (parent, etc.)
- ❑ Do not ask leading questions.
- ❑ Collect and preserve all appropriate evidence.
- ❑ Canvass the scene to locate all witnesses.
- ❑ Conduct interviews at sites and times convenient for the witnesses.
- ❑ Clarify all ambiguous words to ensure accurate reporting of the event. Pay particular attention to words that imply excessive force, such as "slammed," "thrown," "shoved," "forced," "beat," "hogtie," etc.
- ❑ Clarify all reported statements to ensure the words used by the witness were words used by the involved person not the witness' embellishment. For example, "He was like, get the fuck down." Did the officer actually use profanity or was the witness using it for emphasis.
- ❑ If an allegation of misconduct arises, ensure that the information is immediately given to all investigators so appropriate questions are asked.
- ❑ If a witness starts on a train of thought that might be important, let them finish the thought so it does not get lost in the interview.
- ❑ If a witness refers to a person who may have witnessed the incident in his/her interview, take steps to identify the person completely so he/she can be interviewed or ruled out as a witness.
- ❑ If there is an outstanding weapon, carefully document the area searched.
- ❑ If a gun is found, consider having ITD check to see if anyone has run the gun prior to the use of force.
- ❑ Discuss in detail suspect actions if he was running away. When did he turn to face the officers? Which way did he turn? Which arm did he use? What position was the gun in?

EVIDENCE COLLECTION (If relevant)

Collect the standard evidence, plus:

- ❑ Any photographs taken by any person (including store surveillance video.)
- ❑ Any item of equipment that might have evidentiary value (guns, batons, radios, boots)
- ❑ Suspect's clothing.
- ❑ Suspect weapons or items that may have appeared to be a weapon (Cell phone, etc.)

QUESTIONS FOR ALL USES OF FORCE

- ❑ What was your assignment?
- ❑ Who was your partner?
- ❑ Were you driver or passenger?
- ❑ How long have you worked together?
- ❑ Were you in a marked black and white?
- ❑ Were you in uniform? If not, why not and what was he/she wearing, including identifying items, specifically a badge or other obvious identifiers.
- ❑ What was your primary weapon?
- ❑ What type of holster do you use?
- ❑ Do you carry a back up weapon?
- ❑ Did you draw or use your back up weapon?
- ❑ What brought you to the location of the incident? (Citizen flag down, radio call, observation)
- ❑ Were you able to discuss tactics/develop a plan prior to contacting the suspect?
- ❑ What were the tactics and/or what was the plan?
- ❑ What was your probable cause to contact/detain suspect?
- ❑ What additional information did you receive?
- ❑ Did you or your partner properly reflect your statuses? (En Route, Code Six)
- ❑ Was this done on the air or on the MDT?
- ❑ What was your direction of approach?
- ❑ How did you place your vehicle and why?

- ❑ What was your communication with your partner when you arrived? (Observations, movement, options)
- ❑ What less lethal options did you have available on your person? (TASER, Baton)
- ❑ What less lethal options did you have available in your car? (TASER, BB Shotgun)
- ❑ What information did you have about the suspect prior to contact? (Mental capacity, under the influence, suicidal, etc.)
- ❑ What communication, verbal and non-verbal, was exchanged between officers?
- ❑ How many officers responded? Who were they if you know?
- ❑ Was the suspect armed?
- ❑ What was the weapon?
- ❑ Was the weapon recovered?
- ❑ What commands did you or your partner give the suspect?
- ❑ Did he/she appear to understand the commands?
- ❑ Were the commands given in any language other than English?
- ❑ What additional resources did you request? (Addition units, air unit, supervisor, etc.)
- ❑ Did you broadcast any suspect information and/or crime broadcasts?
- ❑ During the incident, were you aware of your partner's actions?
- ❑ What was the lighting like?
- ❑ If it was dark, did you use a flashlight or any type of illumination?
- ❑ What was available for cover/concealment?
- ❑ Did you draw your gun? Why/Why not?
- ❑ How did you hold the gun? (Low ready, finger on frame)
- ❑ When did you decock?
- ❑ When and why did you holster? (If applicable)
- ❑ Did you see anyone else draw his/her gun?
- ❑ Did you see your partner use the type of force reported?
- ❑ Did you or your partner use any type of force other than what was reported?
- ❑ Are you aware of anyone using a personal tape-recorder during the incident?
- ❑ Are you aware of anyone taking photographs before, during or after the incident? (This includes bystanders and media.)
- ❑ Who, if anyone, handcuffed the suspect?
- ❑ How was the handcuffing accomplished? (Cover, all involved, each role, level of force used)
- ❑ How was the suspect handcuffed? (In back, double cuffs, plastic cuffs)
- ❑ Who removed the handcuffs and why?
- ❑ Did you or anyone else search the suspect? (When, why, in what order if more than one suspect)
- ❑ Was the suspect injured?
- ❑ Were any officers injured?
- ❑ Did the suspect make any statements?
- ❑ Were you aware of any perceptual distortion? (Sight, sound, time, memory loss, disassociation, etc.)
- ❑ Who made the request for an RA unit and what was reported to Communications Division?
- ❑ How soon after the incident was under control was the request for an RA communicated?
- ❑ Who rode in the back of the RA?
- ❑ Who followed and/or went to the medical facility?
- ❑ Did a supervisor respond? (Who, why, when)
- ❑ Did you or anyone else give the supervisor a public safety statement?
- ❑ If you know, what was said?
- ❑ What actions did the supervisor take? (Directions given, separation of officers, admonishments)
- ❑ Who monitored you?
- ❑ Who transported you?
- ❑ Where were taken to be monitored?
- ❑ Were you with any other officer during monitoring and transportation?
- ❑ If so, why?

OFFICER-INVOLVED SHOOTING INCIDENTS

INVOLVED:

- ❑ How was your gun loaded?
- ❑ Did you have an extra magazine(s)?
- ❑ Were the extra magazines fully loaded?
- ❑ Did you reload? Tactical/Speed?
- ❑ Did you reload after your final rounds?
- ❑ Why did you fire? (State of mind in his/her own words)
- ❑ How many rounds did you fire?
- ❑ Did you assess? How often and when did you assess?
- ❑ What was your target?
- ❑ What were the suspect's response and/or action?
- ❑ Where was the suspect in relation to you?
- ❑ What was your direction of fire?
- ❑ What was your sequence of fire? (Fast, pairs, bursts, etc.)
- ❑ What was your background?
- ❑ Did you have cover?
- ❑ Did you have any other options?
- ❑ What was your stance and position? (One-handed, two-handed, barricaded, etc.)
- ❑ Did you move between series of shots?
- ❑ Why did you move?
- ❑ Describe your movement? (How far, cover to cover)

WITNESS OFFICERS:

- ❑ Did you see any officer fire?
- ❑ Where were you positioned at the time(s) the officer fired?
- ❑ How many rounds do you think he/she fired?
- ❑ Where was he/she in relation to the suspect?
- ❑ Did he/she have cover?
- ❑ What was his/her direction of fire?
- ❑ What was his/her sequence of fire? (Fast, slow, pairs, bursts, etc.)

HEADSTRIKE WITH AN IMPACT WEAPON

The Investigative Support Unit (ISU) does not respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

INVOLVED OFFICER

- ❑ What did you use to strike the suspect?
- ❑ Why did you use that instrument?
- ❑ Why did you choose this type of force?
- ❑ Where were you in relation to the suspect?
- ❑ What motion/direction did you use to strike the suspect? (Overhand, north to south, side swing, east to west)
- ❑ How many times did you strike the suspect?
- ❑ What was your target area?
- ❑ What area did you impact?
- ❑ Which hand was holding the weapon?
- ❑ Which is your dominant hand?
- ❑ What was the suspect's reaction to the strike?
- ❑ What did you do with the weapon after it impacted the suspect?
- ❑ Have you cleaned the weapon in any way? (Washed off blood, etc.)
- ❑ Was anyone hurt during the incident?
- ❑ Did you call an RA?
- ❑ Who made the request?
- ❑ What was said during the request?
- ❑ Is it possible any other item was used to impact the suspect, even accidentally?
- ❑ When did you request a supervisor?

- ❑ Who made the request for the supervisor?
- ❑ How long until a supervisor arrived?
- ❑ Did you provide the supervisor with a public safety statement?
- ❑ What did you say?
- ❑ Was any other unit at the scene before the supervisor arrived? Who was the unit and what did they do at the location?
- ❑ Are you aware of any witnesses to the incident?

WITNESS OFFICER

- ❑ Did you see your partner strike the suspect on the head?
- ❑ Would you have been in a position to see the action had it occurred?
- ❑ Did he use a weapon?
- ❑ What was the weapon?
- ❑ Where was he/she in relation to the suspect?
- ❑ Which hand was the weapon in?
- ❑ What was the motion/direction of the strike?
- ❑ What area did the weapon impact?
- ❑ What was the suspect's reaction to the strike?
- ❑ What did your partner do with the weapon after the incident?
- ❑ Did you see him/her clean the weapon in any way?
- ❑ Did you hit the suspect with an impact weapon?
- ❑ Did you hit the suspect with anything?
- ❑ Was anyone hurt?
- ❑ Who requested an RA unit?
- ❑ Who requested a supervisor?
- ❑ Did any other unit arrive before the supervisor?
- ❑ What did that unit do?
- ❑ Are you aware of any witnesses to incident?
- ❑ Did your partner tell you that he/she hit the suspect on the head?
- ❑ Did you hear him provide the public safety statement?
- ❑ What did he/she say?

CAROTID RESTRAINT CONTROL HOLDS

The Investigative Support Unit (ISU) does not respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

INVOLVED OFFICER

- ❑ Why did you decide to utilize a carotid hold?
- ❑ What other options did you consider before utilizing the carotid hold?
- ❑ What equipment and less lethal weapons were available to you at the time?
- ❑ What type of carotid hold was used? (Modified, full, locked)
- ❑ Have the officer demonstrate the hold and describe it for the tape.
- ❑ Did you ever transition from a modified to a full or locked hold?
- ❑ What kind of training have you had involving this type of force?, (Academy and in-service)
- ❑ How long was the hold applied?
- ❑ How many times was a hold applied?
- ❑ Did the suspect lose consciousness? If so, did you release at once?
- ❑ Did the suspect continue to struggle or attempt to get out of the hold?
- ❑ What was your partner doing while you were applying the hold?
- ❑ What other force was used during the incident?
- ❑ How was the suspect eventually taken in to custody?
- ❑ Was an RA unit requested? If not, why not? (Mandatory)
- ❑ Who made the request?
- ❑ Was anyone injured?
- ❑ Did you request a supervisor?
- ❑ How long until one responded?
- ❑ Who was he or she?

- ❑ Was any other unit at scene prior to the supervisor responding?
- ❑ Who was it and what action did they take?
- ❑ Who did you give a public safety statement to? What was said?

WITNESS OFFICER

- ❑ Did you see your partner apply a carotid hold?
- ❑ Were you able to tell if it was a modified, full or locked hold?
- ❑ What were you doing before and during the hold?
- ❑ How many times did you see a hold applied?
- ❑ How long was each hold used?
- ❑ What other force was used during the incident?
- ❑ How was the suspect eventually taken in to custody?
- ❑ Was an RA unit requested? If not, why not? (Mandatory)
- ❑ Who made the request?
- ❑ Was anyone injured?
- ❑ Did you request a supervisor?
- ❑ How long until one responded?
- ❑ Who was he or she?
- ❑ Was any other unit at scene prior to the supervisor responding?
- ❑ Who was it and what action did they take?
- ❑ Did your partner say anything to you or did you overhear anything about the incident?

IN-CUSTODY DEATHS

The Investigative Support Unit (ISU) does not always respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

JAIL DEATHS

INMATES

Interview all inmates who were in proximity to the decedent as soon as possible. It is likely that they will be hard to find at a later date.

- ❑ Did you notice any problem with or unusual activity by the decedent?
- ❑ When was the last time you saw the decedent alive?
- ❑ Did the decedent make any statements to you before his death?

JAIL PERSONNEL

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- ❑ How did the situation first come to your attention?
- ❑ What was your response?
- ❑ Was there any type of force or restraint used prior to the suspect's death?
- ❑ Did you call the doctor?
- ❑ Did you initiate any life saving procedures?
- ❑ Did you see anyone initiate life saving procedures?
- ❑ Did the decedent have any problems with the other inmates?
- ❑ Was there any evidence that the decedent may have obtained narcotics?
- ❑ What time was the decedent last seen alive and well?
- ❑ When was the last cell check?
- ❑ Were the cell checks done on schedule?
- ❑ Was he on sick call?
- ❑ Did the decedent respond to meals?
- ❑ Did he complain of anything during his intake or stay?
- ❑ Was an RA unit called?
- ❑ Who made the call and at what time?
- ❑ How long until paramedic personnel arrived at the scene?

- ❑ Was the decedent transported or pronounced at scene?
- ❑ What supervisor responded and what action did he/she take?
- ❑ Was the decedent on OD protocol?
- ❑ Was he seen by dispensary staff at any time?

NON-JAIL DEATHS

- ❑ What force did you use on the decedent?
- ❑ What force did you see anyone else use on the decedent?
- ❑ When did you first notice medical distress?
- ❑ What was the distress you observed?
- ❑ What was your response to this observation?
- ❑ Who requested the RA unit?
- ❑ What was said during the request?
- ❑ Was the decedent displaying any unusual symptoms prior to his demise?
- ❑ Was the decedent hobbled? If so, ask hobble questions as well.

LAW ENFORCEMENT-RELATED INJURIES

The Investigative Support Unit (ISU) does not respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

INVOLVED OFFICERS

- ❑ What actions by the suspect precipitated the use of force?
- ❑ Was the suspect armed?
- ❑ What action did you specifically take?
- ❑ What force did you specifically use?
- ❑ Did you use any weapons or OC Spray?
- ❑ What was the suspect's reaction to each type of force used?
- ❑ Who else did you see use force?
- ❑ What type of force did they use?
- ❑ What other options were considered besides the force that was ultimately used?
- ❑ What action finally controlled the suspect?
- ❑ Was a beanbag or TASER used?
- ❑ If so, was the Garner warning given?
- ❑ What specifically was said? Did it include the consequences of the force (it will hurt)?
- ❑ Was the warning given in a language other than English? What language?
- ❑ Was the suspect hobbled? Ask hobble questions.
- ❑ Who requested a supervisor?
- ❑ Who requested an RA unit?
- ❑ Were you hurt?
- ❑ Did you get medical treatment?

WITNESS OFFICERS

- ❑ What was the suspect doing before the force was used?
- ❑ Was the suspect armed?
- ❑ What were you doing during the incident?
- ❑ Who did you see use force and what force did they use?
- ❑ How did the suspect react to each use of force?

K9 BITE WITH HOSPITALIZATION

The Investigative Support Unit (ISU) does not respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

- ❑ What were the circumstances surrounding the K9 search request?
- ❑ What K9 supervisor approved the response?
- ❑ Who was the Incident Commander?
- ❑ When did he/she arrive at scene?
- ❑ Was a perimeter established and secure?
- ❑ Who was the handler?
- ❑ Who was the dog?
- ❑ Who were the search team members?
- ❑ Who provided the briefing to the search team?
- ❑ Who was each member of the team and what was his or her role?
- ❑ Did each officer appear to understand his/her role?
- ❑ Was the K9 announcement given?
- ❑ Who gave the announcement?
- ❑ Was it given in any other language other than English?
- ❑ Did the Incident Commander or Command Post personnel hear the announcement?
- ❑ Was the announcement given at both ends of the perimeter?
- ❑ Did officers at both ends hear the announcement?
- ❑ Where did the K9 contact occur?
- ❑ What happened when contact was made?
- ❑ What were the communications between the air unit and K9 handler?
- ❑ Was there a discussion of OIS or running suspect tactics?
- ❑ Who took the suspect in to custody and how did they do it?
- ❑ Who requested the RA unit?
- ❑ Who rode in the RA?
- ❑ Where was the suspect transported?

HANDLER SPECIFIC QUESTIONS

- ❑ How is the K9 trained to bite? When provoked, attacked?
- ❑ How was the search conducted?
- ❑ When did the K9 first alert?
- ❑ What did you do in response?
- ❑ How was the K9 called off? (Verbal command, shock collar)
- ❑ Why do you believe the K9 made contact?
- ❑ What is your background and training with this K9?
- ❑ What breed is the K9?
- ❑ How long has this K9 been in service?
- ❑ How long have you been a handler and what has your training been?

SUPERVISORY SPECIFIC QUESTIONS

- ❑ How did you first become aware of the situation?
- ❑ How long did it take you to respond?
- ❑ When you arrived what did you see?
- ❑ Did you assume the role of Incident Commander?
- ❑ Did you direct a Command Post be established?
- ❑ Who did you give these directions?
- ❑ Who did you talk to first?
- ❑ Was anyone else present during the conversation?
- ❑ Did you take a public safety statement from anyone?
- ❑ From whom and what was said?

- Was anyone is a position to hear this conversation?
- What action did you take?
- How did you track the progress of the incident and the actions of the assigned resources/personnel.
- Did you establish crime scene management and if so, how was this accomplished.
- Did you review and explicitly approve tactical responses developed by someone else.
- How did you implement Consent Decree mandated separation, monitoring, transportation and documentation requirements for the personnel assigned to your incident.
- Did you separate the officers and admonish them not to talk about the incident?
- Did you provide any direction when you arrived?
- How did you control the scene?
- What area was canvassed for witnesses?
- Did you talk to the suspect?
- What did the suspect say happened?
- Did the suspect make any allegations of misconduct?
- Did you ask the suspect if anything else had happened other than what was reported?
- If this was a tactical operation, did you review/approve the plan?
- If you arrived before the use of force occurred, did you direct the officers' actions?

SUSPECT SPECIFIC QUESTIONS

- When did you first notice the police were trying to make contact with you and where were you?
- What were you doing at that time?
- Were you able to tell that the people trying to contact you were police officers?
- What did you do? (Run, resist, turn away)
- Why did you do it?
- Were you able to understand the commands they were giving you?
- What did they say to you?
- How did you react?
- What specifically did each officer do to you?
- What specifically did each officer say to you?
- Are you injured?
- Did you tell anyone you were injured?
- Were you given medical treatment?
- Did you see any witnesses to the encounter?
- Did the officers search you?
- How did that occur?
- Did the officers find anything?
- Did a supervisor talk to you about what happened?
- What did you tell him/her?
- Is there anything else that happened that you forgot to tell him/her?

HOBBLE-RELATED QUESTIONS

- Why was the suspect hobbled?
- Who applied the hobble?
- What actions were taken immediately after the suspect was hobbled? (Positioning)
- Did the suspect cease resisting after the hobble was applied?
- Was the hobble removed at any time?
- Who removed the hobble?
- Why was the hobble removed?
- Was the strap ever connected to the handcuffs?
- Was an RA unit requested?
- Who made the request?
- Who rode in the RA unit?
- What position was the suspect transported in? (Seated, supine)
- Was there any force used on the suspect not related to the hobble?

MISCELLANEOUS ISSUES

OFF-DUTY
- ❑ Had you been drinking?
- ❑ What were you wearing?
- ❑ Did you identify yourself as a police officer?
- ❑ Did you display any identifying items such as an ID or badge?

PLAIN CLOTHES OFFICERS
- ❑ What were you wearing? (Photograph also)
- ❑ Were you identifiable as a police officer?
- ❑ Where was your badge?
- ❑ Did the suspect acknowledge that you were a police officer?
- ❑ What was your role during the operation?
- ❑ What equipment did you have with you?

DEPLOYMENT OF UPR/SLUG
- ❑ Did you have supervisory approval?
- ❑ If not, why did you deploy the weapon?
- ❑ Were you wearing protective body armor?
- ❑ Was the suspect armed, or did the suspect have access to, high-powered weapons that surpassed the capability of field personnel?
- ❑ Was the suspect situated in a distant or fortified location where deployment of the weapon was necessary to neutralize the threat?

HIGH RISK VEHICLE STOPS
- ❑ How far behind the suspect's vehicle did you stop the car?
- ❑ Did you order the suspect to turn off the engine and throw out his keys?

VEHICLE PURSUITS
- ❑ Did you check you emergency equipment at the start of watch?
- ❑ Why did you initiate the pursuit?
- ❑ At what point did you activate lights and siren?
- ❑ Is your unit video equipped?
- ❑ If so, was there a tape in place?
- ❑ When did you notify Communications Division?
- ❑ Did you ask for a back up unit and an air unit?
- ❑ Was there a supervisor involved?
- ❑ How many units were involved? (More than 2 + 1, ask why)
- ❑ Who were they?
- ❑ Did you ever relinquish primary position? Why?
- ❑ Was your emergency equipment checked by supervision at the termination?
- ❑ What options did you consider to stop the pursuit? (PIT, spike strips)
- ❑ What was the route of the pursuit?
- ❑ What traffic violations did you observe?

FOOT PURSUITS
- ❑ Why did you choose to go in foot pursuit? (Armed, danger to community, etc.)
- ❑ Who broadcast the foot pursuit?
- ❑ Where did you go?
- ❑ Was the suspect armed?
- ❑ With what?
- ❑ Did you request additional units and an air unit?
- ❑ Did you establish a perimeter?
- ❑ What area did the perimeter encompass?
- ❑ How did you stop the suspect?
- ❑ Were you able to see your partner at all times?
- ❑ What, if any, force was used after you stopped the suspect?

- ❑ Was there any consideration given to terminating the foot pursuit for any reason?

SWAT RESPONSE

- ❑ Who made the request for SWAT?
- ❑ What were the criteria for the request?
- ❑ What Metropolitan Division supervisor accepted the assignment?
- ❑ Where were you when you received the call?
- ❑ How long did it take you to arrive?
- ❑ Was any kind of evacuation conducted?
- ❑ Why and at whose direction?
- ❑ What area was evacuated?
- ❑ What chemical agents were available?
- ❑ What chemical agents were used?
- ❑ Who was the Incident Commander?
- ❑ What directions were you specifically given?
- ❑ What weapon were you carrying?
- ❑ What protective equipment did you have?
- ❑ What is your training and experience in similar situations?

CRIMINAL APPREHENSION TEAM GUIDELINES

Addendum 3

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What is CAT?

History

In 2000, the Federal Consent Decree established protocol for the Investigation of Categorical Uses of Force (CUOF) by Los Angeles Police Officers. At first, Robbery-Homicide Division (RHD) and Critical Incident Investigation Division (CIID) were tasked with completing these investigations. In 2003, the Federal Monitor expressed concerns regarding the investigative process used by the LAPD in CUOF incidents.

To address these concerns, Force Investigation Division (FID) was established in August 2004 with the following goals:

- To complete comprehensive and thorough investigations that cover criminal, administrative, tactical, personnel and policy concerns.
- To create systems of oversight with checks and balances, to leave no stone unturned.
- To develop a system that would ensure the public's trust in the investigations.

These goals have been accomplished through the bifurcated investigation process conducted by the separate Administrative and Criminal Investigation Sections within FID.

On May 25, 2008, under the leadership of Captain Kris Pitcher, the investigative responsibility for the crimes against officers involved in a CUOF transitioned from RHD to the Criminal Apprehension Team (CAT).

Mission

The CAT was established to investigate all instances when an officer is the victim of a crime perpetrated by an involved suspect(s) during a CUOF. The CAT shall respond to all CUOF incidents, with the exception of Tactical/Negligent Discharges.

When a suspect is in custody, the CAT:

- Participates in critical suspect or officer interviews.
- Completes the arrest report, booking, case filing and related follow-up reports.
- Authors any related warrants and ensures the warrants are properly served.
- Assists specially assigned and Crimes Against Peace Officers Section (CAPOS) Deputy District Attorneys during case filing and subsequent court proceedings.

When a suspect is outstanding, the CAT:

- Is responsible for all of the above, as well as the apprehension of the suspect(s).
- Seeks the assistance of other Department resources, when necessary, to facilitate suspect apprehension.

Suspect is on the Run

(When in doubt, treat all suspects like they are on the run)

Get resources on board early (so they are on stand-by):

- ☐ Major Crimes Division
- ☐ Special Investigation Section
- ☐ CAPOS
- ☐ RACR Division
- ☐ All available CAT members
- ☐ Other FID detectives
- ☐ Robbery-Homicide Division

Place a want or Code 6 Charles Want on the vehicle

- ☐ Contact Automated Vehicle/Property Section (AVPS, old VIPU), 24 hours, at (213) 485-2618. Complete their Vehicle Felony Stop form (Appendix). Fax to (213) 485-4055. A Vehicle Felony Stop Cancellation form (Appendix) is needed to cancel the request. The forms are simple and self-explanatory

☐ Do hospital checks if the suspect is wounded and outstanding

☐ If other detective entities are on scene (Metro, Night Watch Detective(s)) be sure to liaison with them so you have all of their knowledge and to ensure they are not working independently

☐ Hourly crime broadcast

☐ Teletype to outlying agencies

☐ Crime Alert Notification flyer

☐ Place a GPS or surveillance on likely friends or family members the suspect might try to meet with to flee or hide

Proper Work-Ups

- ☐ Consolidated Criminal History Reporting System (CCHRS) Rap
- ☐ NECS Rap
- ☐ Want & Warrant Check
- ☐ AUTOTRACK
- ☐ Parolee LEADS
- ☐ Los Angeles Regional Crime Information System (LARCIS) Photographs
- ☐ Department of Motor Vehicle (DMV) Information and Photograph
- ☐ Medical Evaluation Unit (MEU) History
- ☐ CALGANGS: Affiliates, where Field Interviewed, gang info for search warrant and enhancements at filing
- ☐ Vehicles: via Traffic Information System Inquiry (TISI), including vehicles registered to, stopped in or has access to (girlfriend's, mother's, victim at residence)
- ☐ Phone No. obtained from family members used for pinging

Criminal Apprehension Team - Resources

- ☐ Contact Communications Division for an Hourly "Wanted Suspect" Broadcast
  - (213) 928-8223
- ☐ Statewide Teletype for Wanted Suspect
  - Can be entered manually by any Area Records Clerk
- ☐ Air Support Division
  - (213) 485-2600
- ☐ HIDTA
  - Will respond to any CAT request: No overtime issues, specialized electronic surveillance resources, Federal contacts, cell phone pinging, surveillance squad

- Major Crimes Division (MCD)
  - Specialized electronic surveillance resources, cell phone pinging

- Special Investigation Section, RHD
  - Specialized tactical surveillance squad

- Gang and Narcotics Division
  - Specialized surveillance squad used in conjunction with SIS as relief when up 24 hours on suspect(s)

- Real Time Analysis & Critical Response (RACR) Division
  - (213) 978-6500
  - Notifications, off-hours notifications, suspect criminal history workups

- Investigative Support Detail (AKA NIN)
  - (213) 485-3835
  - Search warrant notifications, narcotics intelligence

- LA CLEAR
  (800) LAC-LEAR or (800) 522-5327

- Crimes Against Peace Officers Section (CAPOS), LA District Attorney's Office

  - William Hodgman, Head Deputy
    - Office: (213) 974-5986

  - Darren Levine, Assistant Head Deputy
    - Office: (213) 974-3963

  - Lowell Anger, Deputy District Attorney
    - Office: (213) 974-5989

  - John Colello, Deputy District Attorney
    - Office: (213) 974-3563

  - Linda Loftfield, Deputy District Attorney
    - Office: (213) 974-3949

  - Keri Modder, Deputy District Attorney
    - Office: (213) 974-3961

  - Phillip Stirling, Deputy District Attorney
    - Office: (213) 974-9897

  - Frank Tavelman, Deputy District Attorney
    - Office: (213) 974-5985

Exigent Cellular Phone Tracking Information

1. Verify Cellular number with Neustar Look-Up by calling (571) 434-5781 and using LAPD Pin No. 44467909.

2. Call the specific Cellular Phone Company below and request an "exigent request" unless the cell belongs to the victim, who gives you consent. If you obtain consent, ask for a consent form.

AT&T Wireless
818 West 7th Street
Los Angeles, CA 90017
(800) 275-0014

Metro PCS
1111 Broadway
24th Floor
Oakland, CA 94607
(800) 571-1265

Sprint/Nextel
PO Box 55026
Irvine, CA 92619
(888) 877-7330

T-Mobile
301 West Century Boulevard
Inglewood, CA 90303
(973) 292-8911

Verizon Wireless
15505 Sand Canyon Avenue
Irvine, CA 92618
(800) 451-5242

Suspect in Custody Procedure

Static CUOF scenes with optimal three Investigators present:

One CAT detective will go through the involved officer walk-through and sit in on the involved officer interview (Dirty)

One CAT detective will go through the percipient officer walk-throughs and/or civilian witness interviews (Clean)

One CAT detective will go to the hospital and obtain, if possible:

a. Photographs (overall)
b. Photographs of the suspect's injuries
c. Photographs of the suspect's tattoos
d. Suspect's clothing
e. Medical waiver
f. Blood (with Search Warrant)
g. Voluntary DNA swab
h. GSR
i. Absentee book the suspect (see Absentee Booking Procedures)

Additionally, the CAT Investigating Officer shall

- Get a copy of the incident history and all the information on the dry erase board in the command vehicle (you will need it for your reports)
- Determine the condition of the suspect's gun; for example, "loaded with one round in the chamber," as this will affect filing charges.

Absentee Booking Procedures

1. Complete suspect's Field Interview Card and call Records and Identification Division (R&I), Criminal History Section, at (213) 485-2558. They will take the information and give you a booking number. They will ask you what jail you want the booking information routed to. Pick up the arrest face sheet from the pre-designated jail.

2. Call R&I Criminal Identification Section at (213) 485-5749. Tell them at what hospital the suspect is located and they will send personnel to print the suspect (it may take a couple of hours if they are busy or at change of watch).

3. Call the SID Photo Lab at (213) 485-2541. Tell them where the suspect is and they will send a photographer. Coordinate the booking numbers and DR Nos. with all entities.

Send a transport order to C/WAD0 (warrants and detainers) even though the suspect may still be at the hospital.

Give the officers watching the suspect a copy of the Arrest Report face sheet, PCD, Booking Approval and the booking forms (Segregation and Medical Screening) so they can bring it to LACUSCMC. There, a 13th Floor doctor will look at the suspect and determine if the person stays or is transferred directly into County Jail. If the person is at LACUSCMC, you can take the forms to the 13th Floor personally.

Commonly Utilized Booking Sections

69 PC	Felony Resisting Arrest / Threatening Executive Officer	$25,000

Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists, by the use of force or violence, such officer, in the performance of his duty, is punishable by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

243(c) PC	Felony Battery upon a Peace Officer, etc. with Injury	$50,000

When a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, whether on or off duty, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a nonsworn employee of a probation department, custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on that victim, the battery is punishable by a fine of not more than two thousand dollars ($2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment in the state prison for 16 months, or two or three years.

243(d) PC	Felony Battery Upon Peace Officer with SBI	$50,000

When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment in the state prison for two, three, or four years.

245(c) PC	Felony ADW other than a Firearm or Force likely to Produce GBI upon a Peace Officer or Firefighter	$50,000

Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.

245(d)(1) PC	Felony Assault with a Firearm upon a Peace Officer or Firefighter	$100,000

Any person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years.

245(d)(2) PC	Felony Assault with a Semiautomatic Firearm upon a Peace Officer or Firefighter	$200,000

Any person who commits an assault upon the person of a peace officer or firefighter with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for five, seven, or nine years.

246 PC	Felony Shooting at Inhabited Dwelling, Building or Occupied Motor Vehicle	$250,000

Any person who shall maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited housecar, as defined in Section 362 of the Vehicle Code, or inhabited camper, as defined in Section 243 of the Vehicle Code, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for three, five, or seven years, or by imprisonment in the county jail for a term of not less than six months and not exceeding one year.

405 b PC	Felony Lynching	$50,000

Every person who participates in any lynching is punishable by imprisonment in the state prison for two, three or four years.

417(c) PC	Felony Brandishing a Weapon	$20,000

Every person who, in the immediate presence of a peace officer, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, and who knows, or reasonably should know, by the officer's uniformed appearance or other action of identification by the officer, that he or she is a peace officer engaged in the performance of his or her duties, and that peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in a county jail for not less than nine months and not to exceed one year, or in the state prison.

417.4 PC Misdemeanor Brandishing a Replica Gun $15,000

Every person who, except in self-defense, draws or exhibits an imitation firearm, as defined in Section 12550, in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor punishable by imprisonment in a county jail for a term of not less than 30 days.

Either the victim or a bystander can be the one to experience the apprehension or fear. "Imitation firearms" are defined as "any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm."

417.8 PC Felony Brandishing Weapon at Peace Officer $25,000

Every person who draws or exhibits any firearm, whether loaded or unloaded, or other deadly weapon, with the intent to resist or prevent the arrest or detention of himself or another by a peace officer shall be imprisoned in the state prison for two, three, or four years.

664/187(a) PC Felony Attempted Murder $500,000

Every person who attempts to commit the crime of murder, but fails, or is prevented or intercepted in its perpetration. Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

664/187(a) PC Felony Attempted Murder (Willful & Premeditated) $1,000,000

Every person who attempts to commit the crime of murder, but fails, or is prevented or intercepted in its perpetration. Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

All murder which is perpetrated by means of a destructive device or explosive, a weapon of mass destruction as defined in Penal Code section 11417, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing is murder in the first degree. It is the premeditation or, simply, the specific intent to kill, which makes this type of homicide first degree murder.

Enhancements

186.22(b)(1)(A) PC	Any Felony for Benefit of Street Gang	$30,000
186.22(b)(1)(B) PC	Serious Felony for Benefit of Street Gang	$40,000
186.22(b)(1)(C) PC	Violent Felony for Benefit of Street Gang	$50,000
12022.1(b) PC	New Felony Offense Committed while Felony Charges Pending against Defendant	$25,000
12022.1(e) PC	New Felony Offense Committed while Defendant on Prison Parole	$25,000
12022.1(f) PC	New Felony Offense Committed while Defendant on Felony Probation	$25,000
12022.2 PC	Armor Piercing Ammunition	$55,000

Bail Increase

Department Manual Volume 4/680.45, Requesting an Increase in Felony Bail.

Prior to arraignment, an officer shall request a bail deviation when an arrestee was arrested without a warrant; and,

The defendant was arrested for a bailable felony offense or misdemeanor offense of violating a domestic violence restraining order; and,

The officer has reasonable cause to believe that the scheduled bail amount is insufficient to assure the defendant's appearance **or** to assure the protection of a victim, or family member(s) of a victim, of domestic violence.

Officer's Responsibility. Officers seeking a bail deviation on an arrestee shall:

- Book the suspect and obtain a booking number;
- Advise the detective supervisor/watch commander of the circumstances of the case which necessitates a bail deviation;
- Obtain approval from the detective supervisor/watch commander to request a bail deviation;
- Contact the Los Angeles County Bail Deviation Program and provide the contact individual with the following:
    - Bail amount requested;
    - Circumstances which led to the arrest;
    - Reason(s) for the bail deviation request;
    - Aggravating circumstances which support the bail increase request;
    - Information on whether or not the arrestee is considered a flight risk;
    - Information on whether or not the arrestee can bail out on the current standard bail;
    - Information on whether or not the arrestee is considered a threat to the community and/or victim(s);
    - Prior criminal history;
    - Arrestee's identification numbers (e.g., CII, FBI, Social Security Number, Driver's License, etc.); and,
    - Requesting officer's name and call-back number.

Note: Currently, the Los Angeles County Bail Deviation Program may be contacted seven days a week, including holidays, between 0630 and 0130 hours. Officers wishing to contact the program during off-hours shall wait until 0630 hours. Per Penal Code Section 1259(c), pending the issuance of a court order to change the bail amount, an arrestee may be prevented from posting bail for a maximum of eight hours from the time of booking.

- After initial contact, send a facsimile copy of the arrestee's Probable Cause Declaration to the Los Angeles County Bail Deviation Program.

The information provided to the contact individual at the Los Angeles County Bail Deviation Program will be immediately reviewed by the on-duty Bail Commissioner. Once the commissioner makes a decision, the requesting employee will be contacted and advised of the commissioner's decision. If a bail deviation is granted, the jail facility where the arrestee is in custody will receive a teletype of the court order from the Los Angeles County Bail Deviation Program informing them of the bail deviation.

- Upon approval of the request, document in the narrative portion of the arrest report the determined bail amount with the name of the concerned Bail Commissioner;
- Notify the watch commander of the jail facility of the revised bail amount; and,
- Obtain a copy of the teletype from the jail facility and attach it to the arrest report.

Detective Supervisor/Watch Commander's Responsibility. The detective supervisor/watch commander shall:

- Review the arrest report which documents the facts and circumstances which establish the reasonable cause to believe that the scheduled bail amount is insufficient;
- Determine if the bail deviation request is justified; and,
- If approved by a Bail Commissioner, ensure the required information is documented in the arrest report and a copy of the jail teletype is attached.

*Once you get the bail increase, teletype it to County Jail by using:

- The free form message screen Admin 1. Send it to C/WAD0 or J/WAD0
- List the defendant's name, Case No., Booking No., Bail Amount, reason for the bail increase and call back information. Call (213) 893-5711 to confirm that they received it
- Or FAX the information to (213) 633-5092

Altering Booking Charge for person in LAPD Custody

- Obtain a new signed Booking Approval with the new or proper charge and bail. Bring the Booking Approval to the jail. They will notify R&I and generate new arrest paperwork.

Altering the Bail Amount and Charge for person in LASD Custody

- Call Warrants and Detainers at (213) 893-5771. Provide the defendant's name, date of birth, current bail, and current charge. Indicate the new charge and the new bail amount, along with the defendant's court date, time, and division. Provide your personal contact information including; your name, rank, Serial No., Department, Division, and phone number. Lastly, be sure you sign the paper before faxing it to Warrants and Detainers at Fax (213) 633-5092.

Nuances on Dealing with Juveniles

- Once a juvenile has been brought to a Department facility, you have six hours to get them to Juvenile Hall. Time in transport, booking, or at a hospital does not count against the six hours.

- Sign the juvenile in when you arrive at the station. When you leave to book, sign them out. Sign them in on a new line once you return to the station. You do not need to sign them in at the station where you are booking them, i.e., arrest in Harbor Area and book in 77th Street Area, there is no need to sign in at 77th Street. When you sign out for the second or last time (to go to Juvenile Hall), add up the total time in a Department facility. The six hour rule is based on the time at a Department facility.

- If a juvenile willingly comes to the station as a witness and is later determined to be a suspect, the six hour rule starts once you identify him as a suspect.

- If you get a juvenile from another jurisdiction, i.e., Probation or Long Beach PD, the six hours starts once you enter a Department facility.

- A juvenile always receives a Miranda advisement, but until you wish to question them, you do not have to seek a waiver.

- Juveniles get:
    - Reasonable access to the restroom, water and a snack if they haven't eaten for four hours.
    - Privacy during visits with family, guardian and/or lawyer (ask CAPOS if we can monitor).

- A juvenile receives three phone calls within two hours (two must be within the first hour of being taken into custody, not after arriving at the station). The calls and Miranda waiver will be documented on the Juvenile Arrest Continuation Form.

- If you are approaching the end of the six hour window, call the juvenile hall that accepts juveniles from that area and ask them if you can book the juvenile with the arrest face sheet, booking paperwork (medical questionnaire etc.), live scan paperwork (be sure to get this from the jailer), juvenile intake form, juvenile arrest continuation and the PCD. Tell them that you will fax or bring the arrest narrative once you complete it.

- The intake officer will tell you how many copies he wants of each document. The only originals you will give them are the PCD and Juvenile intake form. Do **not** leave any other originals with him.

- Juveniles PCDs do not need to be seen by a judge, as required for adults. They are reviewed at the Juvenile facility by a commissioner. Juvenile warrant arrests DO require a PCD, unlike adult warrant arrests.

- Remember, if the juvenile is 13 or under, you will also have to fill out the front and back of the Gladys R. Questionnaire (two pages).

- 300 WICs (children taken out of a home for their protection), 601 WICs (runaways) and 602s (criminals) cannot be put together. So, before you place your arrestee with other children, whether in a secure or non-secure facility, find out why the other children are there.

- Secure Detention, which requires Watch Commander approval, is defined as locked in a cell, room or enclosure, or physically secured to a fixed object.
    - Minor must be 14 years or older
    - 602 offense
    - Minor must present a serious risk of harm to self or others
    - The minor shall not be cuffed to a fixed object for longer than 30 minutes (each 30 minute interval has to be approved by the Watch Commander)
    - If the minor is held in a locked room or enclosure, an employee must be able to hear them at all times
    - If the minor is held in a locked room or enclosure, they have to be randomly checked within 30 minutes of the last observation. This 30 minute check shall be logged on the secure detention log.

- Non-Secure:
    - Minor is13 years or younger
    - Cannot be secured to a fixed object
    - Can be cuffed to themselves (hands behind back) and sitting in a chair or on a bench
    - Can be cuffed to a movable object, like a non-bolted down chair
    - Must receive constant in person monitoring (no camera monitoring)
    - An interview room that does not have a lock on it (even if the door is closed all the way) is not considered secure detention.

- Strip Search: Same as an adult for felonies (ensure privacy and have a supervisor present. Not policy, just prudent).

- For misdemeanors and infractions, a strip search can only be conducted when
    - A controlled substance is involved; or
    - A weapon is involved; or
    - There is reasonable suspicion to believe that the juvenile is concealing a weapon.

- Check the Juvenile Manual to determine when the juvenile petition (filing paperwork) is due. A petition requires specific paperwork (see exemplar D-1, juvenile arrest continuation and witness list).

- The **Juvenile Manual** can be found on the Department home page by LAPD Reference, Divisions and Sections, Juvenile Division, then Manuals. The Detective and Department Manuals are available on the same link.

- In most cases, based on the nature of our victims, petitions are not presented in person. You may want to call and see if that is possible.

Important Juvenile Numbers

Juvenile Division Consultants Office

Mon-Fri 0600-1630 (they are LAPD's experts on juvenile procedure) 213-485-2803

Juvenile Detention Centers:

- Eastlake - 1605 Eastlake Ave., LA 90033
  Intake No. (323) 226-8506

- Los Padrinos - 7285 E. Quill Dr., Downey 90242
  Intake No. (562) 940-8660

- Sylmar - 16350 Filbert St., Sylmar 91342
  Intake No. (818) 364-2022/2045
  Off-Hours No. (818) 364-2044
  Movement/Control No. (818) 364-2011

777(a)(2) WIC	Felony	Probation Violation- Removal of Minor from Physical Custody of Parent, Guardian, Relative or Friend	$No Bail

An order changing or modifying a previous order by removing a minor from the physical custody of a parent, guardian, relative, or friend and directing placement in a foster home, or commitment to a private institution or commitment to a county institution, or an order changing or modifying a previous order by directing commitment to the Youth Authority shall be made only after a noticed hearing.

(a) The notice shall be made as follows:

(1) By the probation officer where a minor has been declared a ward of the court or a probationer under Section 601 in the original matter and shall contain a concise statement of facts sufficient to support the conclusion that the minor has violated an order of the court.

(2) By the probation officer or the prosecuting attorney if the minor is a court ward or probationer under Section 602 in the original matter and the notice alleges a violation of a condition of probation not amounting to a crime. The notice shall contain a concise statement of facts sufficient to support this conclusion.

(3) Where the probation officer is the petitioner pursuant to paragraph (2), prior to the attachment of jeopardy at the time of the jurisdictional hearing the prosecuting attorney may make a motion to dismiss the notice and may request that the matter be referred to the probation officer for whatever action the prosecuting or probation officer may deem appropriate.

Probable Cause Determination (PCD) Issues

We are responsible for making sure there are no PCD problems.
DO NOT rely on the Division to handle it.

The best way to handle PCDs is to drop them off at the 5th Floor Clerk's Office in the Criminal Courts Building (CCB) at 210 West Temple Street. They accept PCDs for arrests made anywhere in the City/County and regardless of where the case will be filed. They are also open for business on Sundays, but not Saturdays.

CCB 5th Floor Clerk's Office: (213) 974-6143

Weekdays (during business hours)

- Drop off the **original** PCD with a copy of the arrest report face sheet (full report and DR No. are NOT required) at the 5th Floor Clerk's Office for judicial review and approval.

- You can also, if you prefer, drop off the **original** PCD with a copy of the arrest report face sheet to the appropriate court instead of CCB.

Weekends

- **Saturday:** The PCD Court at CCB is closed. PCD review/approval must be done over the phone with a judge (call DA Command Post at (213) 974-3607).

- **Sunday:** The PCD Court at CCB is open 0800 to 1630 hours. You can drop off the original PCD/arrest face sheet at the 5th Floor Clerk's Office for judicial review and approval.

*****The cut-off time to drop-off PCDs there on Sunday is 1600 hours!!*****

When you drop off the original PCD, make sure you get a stamped copy of "Arresting Agency Probable Cause List (AAPCL)" from the clerk. It shows that they received the PCD from you.

Make sure you have a copy of the PCD for your records BEFORE you give it to the clerk!

If you have the time, especially on Sundays, it's not a bad idea to hang around, as the judge may not be busy and sign the PCD quickly. The clerk can then enter the resolution into the system (NECS) while you're there.

Things to Remember

- It is ideal to have a PCD resolution in NECS the day before the straight 48-hour time limit expires to avoid issues/panic with jail personnel. To check, enter "PCD" on the command line in NECS – then enter your serial number, arrestee's last/first name, and booking number – A "Yes" resolution with date/time shows that the PCD was approved and is in the system.

- Be sure to provide jail personnel with a copy of the PCD and a copy of the AAPCL from the Clerk's Office so they can attach them to the arrestee's custody record. Even if the judge hasn't approved the PCD at that point, the jail at least knows that a PCD was done and it was submitted to the court.

- For 13th Floor bookings, LASD jail staff requires a PCD before they will take custody of an arrestee. No judicial approval on the PCD is required at that time.

- Even if you got a judge's telephonic determination on the PCD, it's still a good idea to give the original PCD to the 5th Floor Clerk at CCB so they have a record of it, and the arraignment judge sees that one was done. Also, if you don't do this, they won't be able to input the PCD resolution in NECS.

Jail Recordings

Two Ways to accomplish this with LAPD:

1. Jail Cell: Place them in B3-B5, fill out a form in the Jail Division Watch Commander's office (note on the form that you are using your own memory card if you have one). Pull their memory card out and insert yours. Advise Jail Division personnel if you want anyone else in the cell with them (one is good to stimulate conversation and language may be a factor if you don't speak Spanish and your suspect does). Fewer people may cause them to make more phone calls and offer you better recording opportunities. When your defendant is transported, have them remove your memory card so it is not reformatted and the information lost. You then download the information onto a DVD using Jail Division's equipment. Put a note on the machine to let them know the card is yours and erase the last recording on the card before you re-use it. Be sure the suspect has the opportunity for three unrecorded calls before you begin recording.

2. Telephone Calls: The suspect will have to be placed in B3-B5. Fill out a form and go through Detective II Rich Ulley, CAT. He has access to a stand-alone system at IAS that records all calls going out of the particular jail cells. He will provide you with a CD of the calls as well as a list of the numbers dialed.

Three Ways to accomplish this at County Jail:

1. Provide Operations Safe Jails, LASD, 3rd Floor of County Jail, with target phone numbers obtained from various sources (accomplices, 5.10, numbers obtained from recordings at LAPD, etc.). They can obtain recordings on the targeted numbers that are generated from any County lock up facility (Wayside, Court lock-up, etc.).

2. Visitation can be recorded by filling out paperwork with the LASD Tech Crew in Santa Fe Springs. They will not get all visits. The form is good for approximately 90 days and will then require a subsequent renewal.

3. Jail mail can also be monitored through LASD Operations Safe Jails.

Report Procedures

- All Investigative Reports and Follow-up Reports shall be approved by the concerned Administrative DIII assigned to the case.

- Arrest Reports shall be approved by the Jail Division Watch Commander.

- For all 148, 69 PC, ADW on a PO, etc. cases (refer the concerned Watch Commander to Special Order No. 49-2003), the Jail Division Watch Commander should note in his log that he reviewed the report for tactics, policy, or training issues and what his findings are. We note in our 3.14 that the Watch Commander did so.

- DR Nos. are obtained from Specialized Reports Distribution Unit (SRDU), Room 210.

- All investigative steps should be completed after a discussion or briefing with the concerned Administrative DIII assigned to the case. That concerned Administrative DIII will in turn advise the concerned Criminal DIII. A good practice is to open up lines of communication and keep both DIIIs advised of the investigative progress of the criminal CAT case.

- An arrest package is created for the involved Area. That arrest package will be maintained by the involved Area. The DIII of the table which would normally clear the crime will clear the case from DCTS and take credit for the clearance.

- 5.10: Fill it out and send it to ITD, Mail Stop 447. Place a package in the our case book, the arrest package that is going to the division and give a copy to SCT Saul Corpeno for data entry.

- Verify that the Watch Commander asked the three questions: If not (suspect hospitalized), we can do it for the handling Patrol Division Watch Commander. Notify the handling Patrol Division Watch Commander of the suspect's responses so he can document it in his log. The Watch Commander can also send one of their sergeants to the hospital to do it.

- Complete the Probable Cause Determination.

- Keep a handwritten Chronological Log in the field (transfer it to a computer Chronological Log once there is time).

- Save the Chronological Log and all reports written in a folder on the P Drive.

Miranda Reminders

Detention + Transportation = Arrest

- Detentions at a Police facility is custody
- Miranda wavier will not remedy a due process violation

For Miranda to apply, you need custody and interrogation at the same time

Constitutional Right to have an Attorney during a custodial interrogation

- Attorney cannot assert Miranda

If a suspect invokes silence on Crime X, he/she may be questioned about Crime Y after a subsequent Miranda advisement and waiver.

If a suspect invokes his/her right to counsel, further police questioning is totally barred for as long as the suspect remains in custody, unless or until his/her attorney is present.

- Miranda waiver is normally good for up to 36 hours
    - 36-72 hours is a grey area
    - Over 72 hours, must re-Mirandize

Ruses during custodial interrogations

- Do NOT display evidence prior to Miranda waiver
- The tactic is okay after the waiver

Ambiguous Requests for Attorney

- Invocation of 5th Amendment Right to Counsel must be "clear and unambiguous"
    - "I think maybe I should have a lawyer" is not "clear"
- If ambiguous invocation for counsel occurs after the waiver and during an interrogation
    - Clarify
    - May ignore and continue
- If ambiguous invocation for counsel occurs at the time of Miranda warning
    - Clarify

Pre-Miranda Conduct

- No “softening-up”
- May invalidate waiver
- Administrative questions are okay
    - Pre-Booking and Booking Form
    - State of mind/body inquiries

Reporting Misconduct

Misconduct Definition

The Department defines misconduct as:

- Commission of a criminal offense
- Neglect of duty
- Violation of Department policies, rules, or procedures
- Conduct which may tend to reflect unfavorably upon the employee or the Department

Supervisor’s Responsibility: When a supervisor becomes aware of a public complaint, or a complaint of misconduct initiated by Department personnel, the supervisor shall accept the complaint and:

- Conduct a preliminary investigation, as established in *Complaint Investigations: A Guide for Supervisors.*

Exception: Supervisors who find themselves the subject of alleged misconduct shall report the incident to an uninvolved supervisor who shall conduct a preliminary investigation and, if necessary, complete a Complaint Form, Form 01.28.00.

- Complete a Complaint Form, summarizing the complaint and the complainant’s statements under the Summary portion;

- Tape-record all interviews. If not practical, supervisors shall include a written justification under the Summary portion of the Complaint Form;

Note: If a non-employee complainant or witness refuses to be recorded, an attempt shall be made to record the refusal on tape or on a signed statement of refusal.

- Provide the complainant with the bottom copy of the Complaint Form and advise the complainant that another copy will be mailed out with an assigned case number. If the complaint was made by telephone, leave the triplicate form intact and advise the complainant that a copy will be mailed by IAG once a case number has been assigned;

- Attempt to resolve the matter to the satisfaction of the complainant and take appropriate action to prevent aggravation of the incident;

- Determine the complainant's willingness to participate in the Alternative Complaint Resolution (ACR) process, if appropriate; and,

Note: Regardless of whether a consensual resolution of the complaint is achieved by a supervisor through ACR or otherwise, **all** complaints shall still be recorded, investigated, and classified.

- Submit the Complaint Form and preliminary investigation to the watch commander, Section officer-in-charge (OIC), or civilian equivalent for review.

Note: If, during the course of a complaint investigation, the investigating supervisor has reason to believe that additional misconduct may have occurred, other than that alleged by the complainant, the investigating supervisor shall either record the additional misconduct as a separate allegation on the original complaint or initiate a new complaint as appropriate.

Discovery

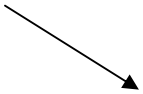
Discovery is handled by SMAII Teri Dixon. Discovery is only released after receiving a formal written request from the District Attorney's Office. Formal written copies from the Defense are not honored by us.

FID ORI Code

4283

Citywide LANS Login

.xxxxx.PAB.CVC.LAPD



Serial No.

Miscellaneous

Consider photographing transient witnesses contacted during investigations. Months later, when he/she does not show up for court or is needed for a re-interview, a picture goes a lot further in tracking them down than a common name and old DMV/Booking photograph.

FORCE INVESTIGATION DIVISION
CRIMINAL CATEGORICAL USE OF FORCE REPORT

All listed items may not be relevant for each incident. Consider each item and either √ or mark NA.

Cover Page **FID No.**_____

Correct disclaimer is present.	
Correct FID number	

Report Face Sheet

The FID incident number	
The type of incident	
DR Number	
Type of criminal activity involved in the incident by criminal code section and descriptor (if applicable)	
Identifies the involved suspect(s) by full name, gender, race, age and injury status	
Identifies the involved officer(s) by rank, name and serial number, along with the Area or division he or she was assigned during the incident	
The date and time of the incident	
The address or location of occurrence	
The Los Angeles Police Department Area of occurrence	
The Reporting District (RD) where the incident occurred	
Identifies the assigned criminal investigative team members, by rank, first initial, last name and serial number, correctly spelled.	

Scene Description

Relevant structures, objects, etc. identified	
Lighting condition and type of lights are noted	
Measured distances for officers movements/shots	
No opinion is implied as to the condition	

Canvass For Witnesses

The perimeter of the canvassing area is noted. Not just “extensive canvass”.	

Suspect Information

Item (Complete for each suspect Use additional pages if necessary) Identify each suspect by name ⇨				
Full true name, if known, along with all monikers and aliases				
Gender and ethnicity				
Age, height, weight (use coroner information if deceased)				
Hair and eye color				

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Actual date of birth, along with any others used by the suspect				
Current residence address				
Numbers that identify the suspect; CII, Driver's License, MAI No, LA, FBI, Social Security, CDC and any other identifying numbers				
Documented gang membership quoting "Department sources" (CalGangs)				
Brief summary of suspect(s) criminal history, including number and types of crimes the suspect has been arrested for, and numbers and types of convictions				
Parole/Probation status				
Documentation of FID notification to parole or probation agent				
Documentation of actions taken against the suspect, if arrested, include booking charge and location of booking				
Document criminal filing information, including date and time, when detectives presented the case, name of filing deputy, complaint number, complaint allegations by number of counts, Penal Code Section and description.				

Injuries

Date and time Fire Department received notification	
Unit number of Rescue Ambulance or Fire Unit assigned to the incident;	
Time the rescue/fire units arrived on scene	
Identification of Fire Department personnel on scene	
Brief description of the actions by Fire Department personnel upon their arrival, include medical treatment or examination and time and determination of death, including the name of the person who pronounced death	
Documentation of any spontaneous statements made by the suspect to Fire Department personnel	
Name of hospital and time of arrival	
Name of the doctor who provided treatment	
Description of medical condition and injuries as stated by medical personnel	
Name of Department personnel who accompanied the injured person(s) to the hospital	
If an officer was injured, notation included if they were returned to duty or off IOD, how long they were off and when they returned, or are expected to return, to work.	
Any injuries to suspect or officers that did not require medical treatment were addressed.	

If suspect(s) is deceased, the coroner's information is documented after the Fire Department information.

Assigned Coroner's Investigator is noted by name and serial number	
Time of arrival of Coroner's personnel is noted	
Description of actions taken by Coroner personnel, such as GSR, liver temperature, and body evidence collection is included	
Documentation of any numbers associated with the tests performed	
Documentation of where the body was taken, generally the Los Angeles County Forensic Science Center	

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Documentation of the Coroner's Case No.	

Autopsy

Date and time of examination	
Name of the medical examiner that conducted the examination	
Attendees at the post mortem	
Medical examiner's conclusion as to cause of death	
Identification of biological samples collected during the examination for later analysis, i.e. blood, tissue, urine	
List and brief description of wounds or injuries, including trajectory if known and conclusion if wound was fatal or not	
Identification of evidence and the location of the evidence recovered during the examination, i.e. bullets, fragments, or other physical evidence.	
Coroner's Autopsy Report is in addenda	

Toxicology analysis:

Name and title of the person who conducted the analysis	
Brief description of analysis performed on each sample	
Results of the analysis	
Date the analysis was completed	

Gunshot residue kits:

Date of analysis	
Kit number	
Name and title of person who conducted the analysis	
Brief description of the results	

Clothing Analysis

Identification of the person wearing the clothing at the time of the incident	
Description of the clothing articles that were analyzed	
Date and type of analysis	
Title, name, serial number, section or division of the person who conducted the analysis	
Results of the analysis for each garment, including ballistic damage and location of defects	
SID Report is attached as an addendum	

Weapons (Officers' and Suspects')

Item (Complete for each suspect Use additional pages if necessary) Identify each person who possessed a weapon by name-indicate suspect with (S) i.e. Smith (S) ⇨				
Make, serial number, caliber, model, finish (blue steel, etc), barrel length, semiautomatic or revolver, type of grips, along with any other				

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distinguishing feature				
Capacity of the magazine				
Type of knife and blade length				
Condition of weapon upon recovery, including how loaded				
Describe any obvious problems or malfunction (ie. taped handles)				
Results of Automated Firearms System inquiries, including owner or registration information				
Results of ATF firearms trace				
Date and time any test or analysis that was performed on the weapon				
Identification of the person conducting the analysis by title, name, serial number, and section or division				
Results included for each test performed. Suggested tests include, but are not limited to, latent prints, trace evidence, test fire for functional capability and ballistic comparison, and distance determination.				

Firearms Analysis

Date and time the examination of the scene was conducted	
The title, name, serial number, section or division of all persons involved in the examination	
Description of the type, number and location of ballistic evidence	
The trajectory of ballistic impacts on structures, objects and vehicles	
The identity of who recovered or observed the ballistic evidence	
Date of any analysis on ballistic evidence	
Type of examination that was conducted	
The identity of who performed the analysis	
The results of the analysis	
All weapons required to be tested are documented.	
An explanation is present to explain the reason for all analyses.	

Evidence

The count of all evidence matches the property report count	
Key items from the property report are included	
Each item reflects the correct location of discovery.	

Visual Documentation

Identity of the person(s) who photographed any part of the incident is noted	
C-number for injury photographs is included	
Location and number for any video related to the incident is included	

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Vehicles

This section should document all vehicles that either sustained damage or played a role in the incident. Police vehicles will only be documented in this section if they sustained damage.

Briefly description of the role of the vehicle (i.e. the vehicle driven by suspect Jones during this incident was…)	
Vehicle by year, make, model, color and license number is noted	
Vehicle registration information such as name, address and city, is documented	
Results of the computer check on the auto status is included	
The condition of the vehicle if it was damaged during the incident is noted	
Tow company name and location of vehicle if it was towed is included	
Actions taken regarding the vehicle (i.e. photographed, held for prints, or held for evidence) is noted	
Final status of the vehicle (i.e. released at scene or made available for release on (date)) is noted	

Communications

Documentation that the communication records relative to the incident and the Communications Division computer generated incident history for the incident is on file at FID	
Tape storage numbers for the Communications Division master tape recordings for the involved Area and tactical frequencies	

Related Reports

Any required traffic reports are referenced. (Required when a CPI traffic is involved such as a curb)	
Any related crime reports are referenced such as original robbery report that identified the suspect originally	

Investigator's Notes

All IO notes are referenced in the body of the summary correctly..	

Signature Block

Signature block for section OIC is included and correct	
Signature block for C/O is included and correct	

Scene Diagram/Legend

Documentation of objects on the diagram that played a role in the tactics and/or decision-making processes of the involved persons, i.e. lighting devices, vehicle positions, or cover positions.	

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Depicts movement of persons and/or objects that lend clarity to significant actions taken during the incident.	
Uses extended arrows to document the direction of gunfire from all sources	
Objects on the diagram that can not be immediately identified by symbol appearance are identified.	
A compass on the top of the diagram to identify directions. Unless the scene orientation makes it prohibitive, North should be the top of the page.	
Positions of involved persons, with either letters or numbers, is noted.	
The diagram legend identifies numbered or lettered positions with the name of the involved persons and a brief synopsis of what the position represents	

Transcribed Statements (General)

Placement of transcribed statements reflects the relevance of information	
Statement page(s) are properly formatted and names spelled correctly/	

Addenda

Facesheet is attached with correct number	
Addenda is correctly numbered and documented in the table of contents	

Statements (Complete for each witness-)

Name of person:		Date of interview:	
Voluntary Nature Yes No UTD	All present ID'd? Yes No UTD	Questions Appropriate? Yes No UTD	Questions Leading? Yes No UTD
List all persons the witness identifies as having been present at the incident. Circle if an interview is was not included in report or explanation why they were not interviewed.			
All misconduct identified and action taken: Misconduct noted:_____ CF No:_____			
Other Notes (relationships, role, etc., if relevant and explanations of additional people in the interview)			

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Name of person:			Date of interview:
Voluntary Nature Yes No UTD	All present ID'd? Yes No UTD	Questions Appropriate? Yes No UTD	Questions Leading? Yes No UTD
List all persons the witness identifies as having been present at the incident. Circle if an interview is was not included in report or explanation why they were not interviewed.			
All misconduct identified and action taken: Misconduct noted:_____ CF No:_____			
Other Notes (relationships, role, etc., if relevant and explanations of additional people in the interview)			

Name of person:			Date of interview:
Voluntary Nature Yes No UTD	All present ID'd? Yes No UTD	Questions Appropriate? Yes No UTD	Questions Leading? Yes No UTD
List all persons the witness identifies as having been present at the incident. Circle if an interview is was not included in report or explanation why they were not interviewed.			
All misconduct identified and action taken: Misconduct noted:_____ CF No:_____			
Other Notes (relationships, role, etc., if relevant and explanations of additional people in the interview)			

Additional

Names are consistent throughout the report	
Table of Contents references correct page numbers	
Injuries are consistent throughout the report	
Are there any open questions that could impact the investigation?	
All witnesses were identified and interviewed or an explanation was present as to why an interview was not conducted (Check transcribed statement pages)	

Notes:

Reviewer:_____ Date:_____

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FORCE INVESTIGATION DIVISION
ADMINISTRATIVE CATEGORICAL USE OF FORCE REPORT

All listed items may not be relevant for each incident. Consider each item and either √ or mark NA.

Report Face Sheet **FID No. _____**

The FID incident number	
The type of incident	
DR Number (if applicable)	
Type of criminal activity involved in the incident by criminal code section and descriptor (if applicable)	
Identifies the involved suspect(s) by full name, gender, race, age and injury status	
Identifies the involved officer(s) by rank, name and serial number, along with the Area or division he or she was assigned during the incident	
The date and time of the incident	
The address or location of occurrence	
The Los Angeles Police Department Area of occurrence	
The Reporting District (RD) where the incident occurred	
Identifies the assigned investigative team members, separated by administrative and criminal, by rank, first initial, last name and serial number. Names and serial numbers are correct.	

Table of Contents

All headings are present and spelled correctly	
Page numbers are correct	
Number of pages for the interviews is correct (last page is the signed paged)	
Reports are titled correctly with an accurate date. (date document is signed)	
Acronym Page immediately follows face sheet if being used.	

Summary -Involved Officers

Item (Complete for each involved officer Use additional pages if necessary) Name each involved officer ⇨	√ or NA for each officer					
Footnote included with the officer's height, age, weight, and time on the Department						
Names and serial numbers are correct throughout the report						
Issues, legal and other, that affected the officer's tactical decision making process are identified						
Officer's knowledge, or lack of knowledge, which affect tactical decisions is clearly stated; for example knowledge concerning the suspects mental state if he/she is a known 5150						
Communications between the officer, Communications Division, and citizens is described						
When and why each officer unholstered and holstered is explained						
Deployment and movement throughout the incident, including cover and						

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concealment is described						
Participation in the development, discussion and implementation of a tactical plan						
Describe what factors, actual or perceived, that led to the officer's use of force						
Why the officer drew or selected a particular weapon						
Which supervisor separated and transported officer						
Which supervisor monitored officer						

Summary – Other information

Crime and outstanding suspect broadcasts are discussed	
Any available relevant video is discussed using only factual statements-no supposition	
The supervisor(s) who was incident commander is noted	
Requests for rescue ambulances are documented	
Supervisory response is discussed	
The supervisor who obtained the public safety statement is identified	
If a hobble was used, who placed the hobble was included	
If a hobble was used, the post positioning of the suspect was included	
The name and time the last employee interview was concluded.	
The time the officer(s) was returned to the scene for a walk through	

Scene Description

Relevant structures, objects, etc. identified (if on a driveway, driveway details)	
Lighting condition and type of lights are noted	
Measured distances for officers movements/shots	
No opinion is implied as to the condition	
CAD design of location is attached	

Canvass For Witnesses

The perimeter of the canvass area is noted	
All witnesses located who were not interviewed are explained either in the summary, a footnote, and I/O note, witness matrix or superscript	

Suspect Information

Item (Complete for each suspect Use additional pages if necessary) Identify each suspect by name ⇨			
Full true name, if known, along with primary monikers and aliases			
Gender and ethnicity			
Age, height, weight (use coroner information if deceased)			
Hair and eye color			
Actual date of birth, along with any others used by the suspect			
Current residence address			

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Numbers that identify the suspect; CII, Driver's License, MAI, LA, FBI, Social Security, CDC and any other identifying numbers			
Documented gang membership (CalGangs) listed as Department Sources			
Brief summary of suspect(s) criminal history, including number and types of crimes the suspect has been arrested for, and numbers and types of convictions			
Parole/Probation status			
Documentation of FID notification to parole or probation agent			
Documentation of actions taken against the suspect, if arrested, include booking charge and location of booking			
Document criminal filing information, including date and time, when detectives presented the case, name of filing deputy, complaint allegations by number of counts, PC Section and/or description.			

Injuries

Date and time Fire Department received notification	
Unit number of Rescue Ambulance or Fire Unit assigned to the incident;	
Time the rescue/fire units arrived on scene	
Identification of Fire Department personnel on scene	
Brief description of the actions by Fire Department personnel upon their arrival, include medical treatment or examination and time and determination of death, including the name of the person who pronounced death	
Documentation of any spontaneous statements made by the suspect to Fire Department personnel, or documentation that none were made	
Name of hospital and time of arrival	
Name of the doctor who provided treatment	
Description of medical condition and injuries as stated by medical personnel	
Name of Department personnel who accompanied the injured person(s) to the hospital	
If an officer was injured, notation included if they were returned to duty or off IOD, how long they were off and when they returned, or are expected to return, to work.	
Any injuries to suspect or officers that did not require medical treatment were addressed.	
Notation that medical records and waiver were obtained and addendum number or reason why not	

If suspect(s) is deceased, the coroner's information is documented after the Fire Department information.

Assigned Coroner's Investigator is noted by name and serial number	
Time of arrival of Coroner's personnel is noted	
Description of actions taken by Coroner personnel, such as GSR, liver temperature, and body evidence collection is included	
Documentation of any numbers associated with the tests performed	
Documentation of where the body was taken, generally the Los Angeles County Forensic Science Center	
Documentation of the Coroner's Case No.	

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Autopsy

Date and time of examination	
Name of the medical examiner that conducted the examination	
Attendees at the post mortem	
Medical examiner's conclusion as to cause of death	
Identification of biological samples collected during the examination for later analysis, i.e. blood, tissue, urine	
List and brief description of wounds or injuries, including trajectory if known and conclusion if wound was fatal or not	
Identification of evidence and the location of the evidence recovered during the examination, i.e. bullets, fragments, or other physical evidence.	
Coroner's Autopsy Report is in addenda	

Toxicology analysis:

Name and title of the person who conducted the analysis	
Brief description of analysis performed on each sample	
Results of the analysis	
Date the analysis was completed	

Gunshot residue kits:

Date and time of analysis	
Kit number	
Name and title of person who conducted the analysis	
Brief description of the results	

Clothing Analysis

Identification of the person wearing the clothing at the time of the incident	
Description of the clothing articles that were analyzed	
Date and type of analysis	
Title, name, serial number, section or division of the person who conducted the analysis	
Results of the analysis for each garment, including ballistic damage and location of defects	
SID Report is attached as an addendum	

Weapons

Item (Complete for each suspect Use additional pages if necessary) Identify each person who possessed a weapon by name- indicate suspect with (S) i.e. Smith (S) ⇨	√ or NA for each		
Make, serial number, caliber, model, color (blue steel, etc), barrel length, semiautomatic or revolver, type of grips, along with any other distinguishing feature			
Capacity of the magazine			

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Type of knife and blade length			
Condition of weapon upon recovery, including how loaded			
Describe any visual problem or malfunction			
Results of Automated Firearms System inquiries, including owner or registration information			
Results of ATF firearms trace			
Date and time any test or analysis that was performed on the weapon			
Identification of the person conducting the analysis by title, name, serial number, and section or division			
Results included for each test performed. Suggested tests include, but are not limited to, latent prints, trace evidence, test fire for functional capability and ballistic comparison, and distance determination.			

In respect to the officers' weapons, in addition to the above information, document the following:

Item (Complete for each officer Use additional pages if necessary) Identify each officer by name ⇨	√ or NA for each officer				
Description of ammunition and whether Department approved or not					
Type of holster the weapon was carried in					
Date, time and name of detective who conducted the magazine count					
Date, time and name of detective who contacted the Department Armorer to verify that the weapon was listed on the officer's equipment card					
Results of the Armory check and the name of the person who gave the information					
Dates of training for UPR/slug shotgun/Asp/.45 semi-automatic pistol transition (if applicable)					
The officer's shooting stance					
Number of rounds fired by officer					
Direction the rounds were fired by officer					
Distance to intended target					
Shooting background					
If a TASER was used, include the information from the weapon's history printout.					

Firearms Analysis

Date and time the examination of the scene was conducted	
The title, name, serial number, section or division of all persons involved in the examination	
Description of the type, number and location of ballistic evidence	
The trajectory of ballistic impacts on structures, objects and vehicles	
The identity of who recovered or observed the ballistic evidence	
Date of any analysis on ballistic evidence	
Type of examination that was conducted	
The identity of who performed the analysis	
The results of the analysis	

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Capacity of weapon (as stated) and shots fired and magazine count add up	
All weapons required to be tested are documented.	
An explanation is present to explain the reason for all analyses.	

Evidence

The count of all evidence matches the property report count	
Key items from the property report are included	
Each item reflects the correct location of discovery.	
Any evidence that involves a specific number of results, has each result documented. For example, if 10 latent prints are lifted, all are accounted for, including if there is no match.	

Visual Documentation

Identity of the person(s) who photographed any part of the incident is noted	
C-number for injury photographs is included	
Location and number for any video related to the incident is included	
Include C-numbers for other photographs taken (Sgt. At scene, bystander, etc)	
Include C-numbers for all video, professional and amateur	

Vehicles

This section should document all vehicles that either sustained damage or played a role in the incident. Police vehicles will only be documented in this section if they sustained damage.

Briefly description of the role of the vehicle (i.e. the vehicle driven by suspect Jones during this incident was…)	
Vehicle by year, make, model, color and license number is noted	
Vehicle registration information such as name, address and city, is documented	
Results of the computer check on the auto status is included	
The condition of the vehicle if it was damaged during the incident is noted	
Location of vehicle if it was towed is included	
Actions taken regarding the vehicle (i.e. photographed, held for prints, or held for evidence) is noted	
Final status of the vehicle (i.e. released at scene or made available for release on (date)) is noted	

Notifications

Include a notation that a list of notifications is on file and include notification logs in addenda, or include the following

Date and time notification was given to FID by the Department Command Post	
Rank, name, serial number and assignment of the person who made the notification	
Rank, name, and serial number of the person notified and his or her response to the notification	
Notification time to the Office of the Inspector General	

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Identity of the first FID person at the scene with a notation of the time of arrival	

Personnel At Scene

Include a notation that a list of all personnel who responded to the scene is on file.

Communications

Documentation that the communication records relative to the incident Communications Division computer generated incident history for the incident is on file at FID	
Tape storage numbers for the Communications Division master tape recordings for the involved Area and tactical frequencies	

Justice System Integrity Division Review

Information related to the presentation of the criminal case to JSID, or that the case did not meet JSID criteria. Include the name, rank and serial number of the detective presenting the case and identifying information on the attorney at JSID	

Related Reports

Any required traffic reports are referenced. (Required when a CPI traffic is involved such as a curb)	
Any related crime reports are referenced such as original robbery report that identified the suspect originally	

Investigator's Notes

All I/O notes are referenced in the body of the summary if relevant	

Signature Block

Signature block for section OIC is included and correct	
Signature block for C/O is included and correct	

Scene Diagram/Legend (Verify accuracy as well as presence)

Documentation of objects on the diagram that played a role in the tactics and/or decision-making processes of the involved persons, i.e. lighting devices, vehicle positions, or cover positions.	
Depicts movement of persons and/or objects that lend clarity to significant actions taken during the incident.	
Uses extended arrows to document the direction of gunfire from all sources	
Objects on the diagram that can not be immediately identified by symbol appearance are identified.	
A compass on the top of the diagram to identify directions. Unless the scene orientation	

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makes it prohibitive, North should be the top of the page.	
Positions of involved persons, with either letters or numbers, is noted.	
The diagram legend identifies numbered or lettered positions with the name of the involved persons and a brief synopsis of what the position represents	

Interviews

All critical witnesses and involved and percipient officers were interviewed within 14 days.	
Each responding Fire Department member was informally questioned to determine if he/she had information of value such as contact with the suspect. If applicable, he/she was formally interviewed.	
First responding officers were formally interviewed.	
There is an I/O note with an explanation for witnesses who were not interviewed	
The incident commander was interviewed if applicable.	
First responding supervisor was interviewed.	
Any supervisor who took a public safety statement was interviewed and the interview included what he /she was told.	

Transcribed Statements (General) Verify this information for each interview. Make notes under the name as you type matrix to ensure nothing in missed. After verification, delete before printing report copies.

Statement pages are properly formatted and names are correct	
Statement is on tape as to the voluntary nature of the interview, time was convenient and no other witnesses present (or his/her presence was explained)	
Note any leading questions and have the D3 discuss with the D2 and note in I/O notes that the issue was addressed.	
Ensure all witnesses mentioned within an interview have been interviewed or there is an explanation as to why he/she was not. (i.e. my mother was with me-find out who she was and ensure interviewed)	
All misconduct identified and action taken. If there is a facesheet ensure that each allegation is included. If not ensure the detective contacts IAG and makes a note in the I/O notes.	
Any diagrams references are attached for review immediately after the inaudible page.	

Addenda

Facesheet is attached with correct number	
Addenda is correctly numbered and documented in the table of contents	
All relevant supervisor and WC logs are included (any supervisor who monitored or took action) A log is present to cover each officer required to be monitored for the event.	
Supervisory analysis is included	
Arrest report is included	
All property reports are attached. The number of items should match the evidence section. Verify that if numbers are not sequential the TOTAL matches the evidence section.	
Any report you have attached was removed from related reports section	
Ensure the copy of the summary matrix is clean without notes in the margin.	

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Ensure significant conflicts are highlighted and bolded on the matrix.	

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D.A.R.T. PROTOCOL AGREEMENT

Los Angeles Police Department agrees to participate with the Los Angeles
POLICE DEPARTMENT
County District Attorney's Office in the Officer-Involved Shooting Response Program pursuant to the terms of the Protocol (revised 04/09).

Signed

Chief
Title

William J. Bratton
PRINT NAME

4/29/09
Date

Addendum 6

Protocol for the Referral of Allegations of Criminal Misconduct
by Law Enforcement Personnel
to the Los Angeles County District Attorney

California law requires that "Each Department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of those departments or agencies, and shall make a written description of the procedure available to the public." Penal Code Section 832.5 (a).

Although law enforcement agencies have the primary responsibility to investigate allegations of misconduct, it is the policy of the Los Angeles County District Attorney's Office and the Los Angeles County Police Chiefs Association that all allegations of criminal misconduct by law enforcement personnel, where *probable cause exists to believe that a crime has been committed and the person has committed it*, shall be referred to the Los Angeles County District Attorney's Office for review and consideration of filing of criminal charges. This policy is applicable to all suspected criminal conduct, whether felony or misdemeanor, and whether the member of the law enforcement agency was on-duty or off-duty, sworn or non-sworn.

Procedure

To ensure consistent, professional and appropriate review, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has been assigned the responsibility of reviewing all allegations of criminal misconduct. Therefore, the following procedure has been established:

- In all cases involving serious injury, JSID shall be contacted *immediately*. Upon notification, a JSID prosecutor will be assigned to assist or advise in the investigation.
- When an investigation has determined that there is probable cause to believe that criminal conduct has occurred, the matter shall be presented to JSID as soon as possible.
- All investigative reports relative to such allegations shall be provided to JSID *as soon as* the investigation is completed.
- JSID will review all matters in a timely manner and, except in unusual circumstances, inform the law enforcement agency within 60 days regarding any filing decision.
- Whenever a law enforcement employee is suspected of committing a felony or misdemeanor while off-duty, the agency with jurisdiction to investigate shall notify JSID.

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

April 23, 2009

Chief William J. Bratton
Los Angeles Police Department
150 North Los Angeles Street, Room 619
Los Angeles, California 90012

Dear Chief Bratton:

Matters involving the use of force, especially when death or serious bodily injury occurs, are often the most scrutinized matters involving peace officers. The community has a right to know whether or not an officer lawfully used deadly force in the application of his or her duties. Review of such incidents independent of the involved police agency helps maintain and promote trust and accountability in the justice system.

The Los Angeles District Attorney's Office has successfully addressed these needs through collaboration with local law enforcement agencies in Los Angeles County in the investigation and review of officer-involved shootings and in-custody deaths through our Protocol For District Attorney Officer Involved Shooting Response Program (Protocol). Since its inception in 2000, the District Attorney Response Team (DART), consisting of a Deputy District Attorney and a District Attorney Investigator, has responded to and participated in hundreds of investigations and reviews of officer-involved shootings and in-custody deaths with participating agencies pursuant to the terms of the Protocol. We are continually reviewing the Protocol in light of our experience to ensure its effectiveness. As a result, we have made two changes to the Protocol.

First, we have simplified the language describing what type of in-custody death triggers a notification of DART. The section entitled, **INCIDENTS TO BE INVESTIGATED** (page two, subsection (2) has been modified and now reads:

> 2) An individual dies while in the custody or control of a law enforcement officer or agency and the use of force by a peace officer may be a proximate cause of the death.

Second, we highlight the importance of DART receiving a walk through of the scene as close to arrival as possible. A walk through of the scene allows DART to observe the physical evidence and layout of the scene. This not only assists in subsequent witness interviews but also helps to

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210 West Temple Street
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negate any allegations of the manipulation of physical evidence. It is also important for DART to receive a walk through prior to the walk throughs conducted with the directly involved officers to avoid DART being exposed to the potentially compelled statements of those officers. Consequently, the section entitled, AT THE SCENE (page 4, first full paragraph) has been modified and now reads:

> The investigating officer will ensure that district attorney personnel have access to the scene of the investigation. *A walk through of the scene should be provided immediately upon arrival of district attorney personnel.* The briefing will consist of all relevant information known at that time, including but not limited to: (see protocol)

A copy of the revised Protocol and Agreement to participate in the program are attached. Completion of the Agreement is required to renew or initiate participation in the Officer Involved Shooting Response Program.

We look forward to working with your agency in our ongoing efforts to promote public confidence in the justice system through the independent, objective investigations of officer-involved shootings and in-custody deaths.

Very truly yours,

STEVE COOLEY
District Attorney

By

SERGIO GONZALEZ
Head Deputy
Justice System Integrity Division

PROTOCOL FOR DISTRICT ATTORNEY OFFICER-INVOLVED SHOOTING RESPONSE PROGRAM

For Officer/Deputy-Involved Shootings and In-Custody Deaths

PREAMBLE

Law enforcement officers perform a vital and often dangerous job in our communities. Situations will occur where peace officers must use deadly force; we expect that such force will be used only when legally necessary and as prescribed by law. When officers or deputies use deadly force, the public has a right to expect that a thorough and neutral examination will be conducted of these incidents and that all parties shall be held legally accountable for their actions.

The Los Angeles County District Attorney's Office and participating local law enforcement agencies agree that district attorney personnel will immediately respond to the scene of officer-involved shootings and in-custody deaths. The policies and procedures to be followed as well as the focus of our response team are set out in this protocol.

SEPARATION OF CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS

Law enforcement agencies may have the responsibility in an officer-involved shooting or in-custody death investigation to address several issues, such as: (1) whether any criminal law violations have occurred, (2) whether any participant has incurred or is at risk of incurring civil liability, (3) whether departmental policies have been followed, (4) whether appropriate law enforcement tactics were utilized under the circumstances.

It is the District Attorney's role to only investigate and determine whether any violation of criminal law may have occurred. However, the role of the law enforcement agency may also be to administratively investigate other issues as well, and they may sometimes choose to conduct an administrative review concurrently with the criminal investigation.

During the course of an administrative inquiry, law enforcement agencies are authorized by law to compel their officers to give statements regarding matters that are the subjects of administrative investigations. (Public Safety Officers Procedural Bill of Rights Act, Government Code sections 3300 et seq.) However, the law provides that such a compelled statement and any evidence derived therefrom may be inadmissible in a criminal prosecution. Therefore, it is very important from the outset of an investigation to clearly separate the administrative from the criminal investigation. District attorney

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Deputy district attorneys and investigators from the Justice System Integrity Division of the Los Angeles County District Attorney's Office will respond to the incident site to work with law enforcement officers and, when appropriate, conduct their own independent investigation. The District Attorney's Office will work with the investigating agency to ensure that the inquiry is conducted in a fair and professional manner that will serve the interests of justice, the community, the involved officers, those persons injured, and the families of those affected. The primary objective of this program is to accurately, thoroughly, and objectively investigate all relevant evidence and to determine the potential criminal liability, or lack thereof, of any party.

INCIDENTS TO BE INVESTIGATED

This protocol shall apply when either of the following incidents occur within Los Angeles County:

1) A peace officer, on or off duty, shoots and injures any person during the scope and course of employment.
2) An individual dies while in the custody or control of a law enforcement officer or agency and the use of force by a peace officer may be a proximate cause of the death.

This protocol will apply to peace officers employed by an agency outside Los Angeles County, if the incident occurs within Los Angeles County. This protocol will not apply where officers or deputies from Los Angeles County are involved in incidents that occur outside the borders of Los Angeles County.

There may be occasions where one law enforcement agency, which is a member of the DART program, is conducting an investigation on behalf of another agency, which is not a member of the program. Upon request of the investigating agency and with the express consent of the non-member agency, the District Attorney will roll-out to the scene and later issue a closing report.

Upon the request of any law enforcement agency, the District Attorney's Office will review an officer-involved shooting investigation for criminal violations, even if that agency is not a signatory to the protocol.

NOTIFICATION OF DISTRICT ATTORNEY COMMAND CENTER

For all incidents described in 1 and 2 above, it is the responsibility of the law enforcement agency investigating the incident to immediately notify the District Attorney Command Center.

Notification should be made as soon as practicable. Each agency should notify the District Attorney Command Center immediately after notification is made to its own investigators.

If the Los Angeles County Sheriff's Department is conducting the investigation on behalf of another agency, which has agreed to participate in the District Attorney's Officer-

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Involved Shooting Response Program, both the Sheriff's Department and the participating agency shall notify the District Attorney Command Center regarding the incident. The District Attorney Command Center should be given a brief summary of all the facts known at the time, including: location of the incident, command post location, suggested access routes, and any safety concerns. The notification should be made as soon as possible, preferably no later than 30 minutes after the incident. An early response to the scene of an investigation is critical so that district attorney personnel may gain first-hand knowledge of lighting conditions, witness demeanor, trajectories, vehicle and pedestrian traffic conditions, etc.

The District Attorney Command Center will notify the deputy district attorney and the district attorney investigator on-call who will respond to the scene.

AT THE SCENE

The investigating law enforcement agency shall have primary responsibility to conduct a thorough, objective, and professional investigation of the incident. They shall be responsible for securing the location, collecting all physical evidence, photographing and/or diagramming the scene, and interviewing witnesses in cooperation with district attorney personnel.

The District Attorney's Office has the authority to conduct an independent investigation. The responsibilities of the on-scene district attorney personnel shall include the following:

1) Assist and advise the investigating officer on criminal law issues as they relate to the investigation.
2) Observe and participate fully with the investigative agency in the police investigation. District attorney personnel should take notes of their observations and record interviews of witnesses.
3) Advise and assist investigative officers as to the collection of evidence and the interview of witnesses, when appropriate.
4) Conduct an independent investigation, at the District Attorney's discretion, separate from the law enforcement investigation when it is determined that the circumstances of the particular case make this appropriate. It is understood that an independent investigation may include evidence collection and witness interviews.

District attorney personnel will notify the officer maintaining the log listing personnel at the scene upon their arrival. As soon as practical, the officer in charge of the investigation will provide district attorney personnel with an initial briefing of the incident. The briefing will consist of all relevant information known at that time, including but not limited to:

1) The names and present whereabouts of the officers involved in the incident;
2) The names, addresses and present whereabouts of all civilian witnesses to the incident;

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3) The statements of the officers, if not compelled, pursuant to Government Code sections 3300 et al. (Lybarger);
4) The physical evidence discovered;
5) A summary of witness statements and the status of the investigation;
6) A "walk through" at the scene, including witness descriptions of the events and the evidence recovered;
7) The medical condition of injured parties.

The investigating officer will ensure that district attorney personnel have access to the scene of the investigation. A walk through of the scene should be provided immediately upon arrival of district attorney personnel. All physical evidence shall remain in the custody of the police agency conducting the investigation.

If district attorney personnel determine that additional district attorney personnel are needed to assist with the investigation, additional district attorney investigators or deputy district attorneys can be called to the scene.

INTERVIEWS OF CIVILIAN WITNESSES

District attorney personnel, with the investigating agency, will make every attempt to locate, identify and interview all potential witnesses to an incident. District attorney personnel will be present and participate with the investigating agency in all interviews of civilian witnesses whenever practicable. All witnesses shall be interviewed separately to maintain the integrity of their statements. All interviews should be electronically recorded.

INTERVIEWS OF OFFICERS AND DEPUTIES

All officer or deputy witnesses to the events of the incident shall be separately interviewed. The interviews should take place as soon as is practical and should be recorded. During the pendency of the investigation and prior to the interview, all witnesses or potential witnesses should be kept apart to maintain the integrity of their individual statements. When appropriate the interviews may take place at the scene to aid the officer in recalling and explaining the exact location of the parties and the events that took place.

District attorney personnel will be available to participate in interviews of law enforcement personnel at the request of the investigating agency. However, if the officer chooses to make a non-compelled statement outside the presence of district attorney personnel, investigators will inform district attorney personnel of the substance of the statement and provide access to any recording of the statement.

If the officer chooses not to make a voluntary statement and the police agency elects to compel a statement pursuant to the Public Safety Officers Procedural Bill of Rights Act (Government Code sections 3300 et seq.), district attorney personnel will be available to participate in the compelled interview at the request of the investigating agency, if the

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deputy district attorney assigned to the investigation determines, in his or her judgment, that our presence will not compromise any criminal investigation.

MEDICAL EVIDENCE

When circumstances permit, district attorney personnel should remain at the scene of a fatal shooting or in-custody death until the coroner's investigator arrives and completes his investigation at the scene. When an individual has been wounded by the police, district attorney and law enforcement personnel shall attempt to question the medical doctor who has treated the wounded individual and make efforts to preserve evidence that could be obtained from the doctor, such as the angle of bullet entry, lacerations, contusions, or the presence and effect of any drugs or alcohol.

INVESTIGATIVE REPORTS

It is the intent of the District Attorney's Office and participating law enforcement agencies to complete their review of these matters as quickly as possible, consistent with the primary goal of conducting a thorough and objective review of the facts.
The investigating agency will submit all relevant reports regarding the incident to the District Attorney's Justice System Integrity Division as soon as possible and absent unusual circumstances within 60 to 90 days, depending on the policy of the investigating agency. As the investigation proceeds, reports should be forwarded to the Justice System Integrity Division as they are completed regardless of whether all reports are completed. This procedure will permit the review process to proceed simultaneously with the investigation. It will also permit timely requests and implementation of any additional investigation and clarification of completed reports if required.

FINAL ACTION

At the conclusion of the investigation, the District Attorney's Justice System Integrity Division will review and analyze all the evidence to determine whether the officer acted lawfully.

The crime charging standards are the same for civilians and peace officers. The District Attorney's policies regarding crime charging are set forth in the District Attorney's Legal Policies Manual and state in part:

"The prosecutor should charge only if the following four basic requirements are satisfied:

1) The prosecutor, based on a complete investigation and a thorough consideration of all pertinent facts readily available, is satisfied that the evidence proves that the accused is guilty of the crime to be charged;
2) There is legally sufficient, admissible evidence of a corpus delicti;
3) There is legally sufficient, admissible evidence of the accused's identity as the perpetrator of the crime charged; and
4) The prosecutor has considered the probability of conviction by an objective fact finder and has determined that the admissible evidence is of such convincing force that it would warrant conviction of the crime charged by a reasonable and

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objective fact finder after hearing all the evidence available to the prosecutor at the time of charging and after considering the most plausible, reasonably foreseeable defense inherent in the prosecution evidence."

If no charges are filed, the District Attorney's Office will issue a closing report summarizing the results of the investigation and analyzing the evidence. This report will address the question of whether or not there is proof beyond a reasonable doubt that an officer, deputy, or any other person committed a crime. It is not the purpose of the District Attorney's investigation or report to determine if any officer or deputy violated police policy or procedure, or committed any act which would be subject to civil sanctions. The Justice System Integrity Division will make every effort to issue a closing report containing its findings and conclusions within 60 days of the receipt of the completed investigative package. This report shall be sent to the involved police agencies.

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OFFICE OF THE CHIEF OF POLICE

N O T I C E February 15, 2007
3.3.1

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: OBTAINING A PUBLIC SAFETY STATEMENT FOLLOWING AN OFFICER-INVOLVED SHOOTING INCIDENT

A Public Safety Statement (PSS) is information obtained from a sworn Department employee in order to quickly identify immediate public safety concerns that may be present subsequent to an officer-involved shooting (OIS) incident. Special Order No. 19, dated May 22, 2003, clearly delineates supervisory responsibility in obtaining what needs to be immediately determined at the scene of an OIS. Recent incidents have made apparent the need to remind all supervisory personnel of the necessity to obtain a PSS to ensure the preservation of evidence and to ensure the investigative process is not compromised by an initial lack of information.

The supervisor receiving the PSS shall state the following to officers substantially involved in the OIS:

> **"Officer, I am ordering you to give me a Public Safety Statement. Due to the immediate need to take action, you do not have the right to wait for representation to answer these limited questions."**

The supervisor shall then ask the following questions:

1. Were you involved in an officer-involved shooting?
2. Approximately how many rounds did you fire and in what direction did you fire them?
3. Do you know if any other officers fired any rounds?
4. Is it possible the suspect fired rounds at you? If so, from what direction were the rounds fired?
5. Is anyone injured? If so, where are they located?
6. Are you aware of any witnesses? If so, what is their location?
7. Approximately where were you when you fired the rounds?

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8. Are there any outstanding suspects? If so, what is the description and direction and mode of travel? How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?

9. Are there any weapons or evidence that need to be secured/protected? Where are they located?

Additionally, supervisors should obtain the public safety statements of all substantially involved personnel *before* they are transported from the scene. The supervisor, absent exigent circumstances, *shall* remain at the scene to provide the public safety information to responding investigators. This information shall be provided, either voluntarily or with representation, to the investigators upon their request.

These questions should be followed by the order NOT to discuss the incident with ANYONE, prior to the arrival of the assigned investigators, with the exception of your legal representatives.

Any questions regarding this Notice may be directed to Captain Kris E. Pitcher, Commanding Officer, Force Investigation Division, at (213) 485-4011.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"